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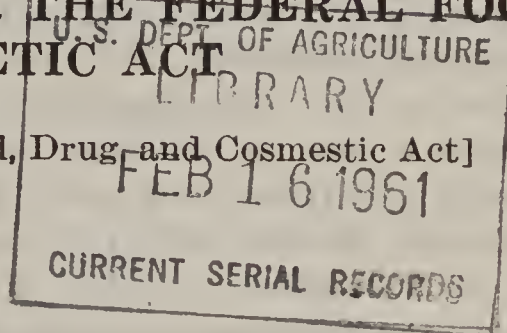
U.S. Department of Health, Education, and Welfare
FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,
DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

26651-26750

FOODS



The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were adulterated or misbranded within the meaning of the Act when introduced into and while in interstate commerce, or while held for sale after shipment in interstate commerce. These cases involve (1) seizure proceedings in which decrees of condemnation were entered by default, or by consent; (2) criminal proceedings which were terminated upon pleas of guilty or nolo contendere; and (3) an injunction proceeding terminated upon the entry of a temporary injunction by consent. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the injunction proceedings are against the *firms* or *individuals* charged to be responsible for violations.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D.C., *December 19, 1960*

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**SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS
REPORTED IN F.N.J. NOS. 26651-26750**

Adulteration, Section 402(a)(2), the article, in three cases, contained an added poisonous or deleterious substance which was unsafe within the meaning of Section 406 and, in five cases, the article was a raw agricultural commodity and contained a pesticide chemical which was unsafe within the meaning of Section 408(a); Section 402(a)(3), the article consisted in part of a filthy or decomposed substance, or it was otherwise unfit for food; Section 402(a)(4), the article had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth; Section 402(b)(1), a valuable constituent had been in whole or in part omitted or abstracted from the article; Section 402(b)(2), a substance had been substituted in whole or in part for the article; Section 402(b)(4), a substance had been added to the article or mixed or packed therewith so as to increase its bulk or weight or reduce its quality and strength; Section 406(a), a poisonous or deleterious substance was added to food when such substance was not required in the production thereof and could have been avoided by good manufacturing practice; and Section 408(a), a poisonous or deleterious pesticide chemical had been added to a raw agricultural commodity, and no tolerance or exemption from the requirement of a tolerance had been prescribed by the Secretary of Health, Education, and Welfare, or such tolerance had been prescribed, and the quantity of the pesticide chemical was in excess of the tolerance.

Misbranding, Section 403(a), the labeling of the article was false and misleading; Section 403(e), the article was in package form and it failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the quantity of contents in terms of weight or measure; Section 403(f), a word, statement, or other information required by or under authority of the Act to appear on the label or labeling was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use; Section 403(i), the article was not subject to the provisions of Section 403(g) and (1) its label failed to bear the common or usual name of the food, and (2) it was fabricated from two or more ingredients, and its label failed to bear the common name of each such ingredient; Section 403(j), the article purported to be and was represented for special dietary uses, and its label failed to bear such information concerning its vitamin, mineral, and other dietary properties as the Secretary determined to be and by regulation prescribed as, necessary in order fully to inform purchasers as to its value for such uses; and 403(k), the article contained a chemical preservative and its label failed to state that fact.

BEVERAGES AND BEVERAGE MATERIALS

26651. Green coffee. (F.D.C. No. 43991. S. No. 74-134 P.)

QUANTITY: 50 130-lb. bags at New Orleans, La.

SHIPPED: On an unknown date, from Brazil.

LIBELED: 12-11-59, E. Dist. La.

CHARGE: 402(a)(3)—contained insect-infested coffee beans while held for sale.

DISPOSITION: On or about 8-18-60. Consent—claimed by Foltz Tea & Coffee Co., Inc., New Orleans, La., and exported to original foreign supplier.

26652. Green coffee. (F.D.C. No. 43790. S. No. 74-109 P.)

QUANTITY: 24 130-lb. bags at New Orleans, La.

SHIPPED: 8-26-59, from Brazil.

LIBELED: 11-5-59, E. Dist. La.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: On or about 8-18-60. Consent—claimed by Leon Israel & Bros., Inc., New Orleans, La., and exported to original foreign supplier.

26653. Green coffee. (F.D.C. No. 43487. S. No. 74-129 P.)

QUANTITY: 11 120-lb. bags at New Orleans, La.

SHIPPED: 8-26-59, from New York, N.Y.

LIBELED: 10-22-59, E. Dist. La.

CHARGE: 402(a)(3)—contained insect fragments; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: On or about 8-18-60. Consent—claimed by Arnaud Coffee Corp., New Orleans, La. The claimant having submitted evidence that the article had not become adulterated after its importation into this country, an order was entered directing the release of the article for exportation to original foreign supplier.

26654. Green coffee. (F.D.C. No. 43445. S. No. 71-643 P.)

QUANTITY: 39 130-lb. bags at Macon, Ga.

SHIPPED: 3-25-59 and 7-24-59, from New Orleans, La., by Stewart, Carnal & Co., Ltd.

LIBELED: 9-11-59, M. Dist. Ga.

CHARGE: 402(a)(3)—contained insect-damaged beans when shipped.

DISPOSITION: 10-26-59. Consent—claimed by Stewart, Carnal & Co., Ltd., New Orleans, La., and exported to a foreign country.

26655. Roasted coffee. (F.D.C. No. 44519. S. No. 22-703 R.)

QUANTITY: 19 bales, 5 bags each, each bag containing 30 2 $\frac{2}{3}$ -oz. envelopes, at Kansas City, Mo.

SHIPPED: 6-30-60, from Kansas City, Kans., by E. C. Conroy Coffee Co.

LABEL IN PART: (Bag) "5 Lbs. Net Katz Mocha Blend Coffee E. C. Conroy Coffee Co."

RESULTS OF INVESTIGATION: Examination showed the article to be short weight.

LIBELED: On or about 7-13-60, W. Dist. Mo.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 8-2-60. Default—destruction.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

26656. Bread and rolls. (F.D.C. No. 43719. S. No. 29-777 P.)

INFORMATION FILED: 3-18-60, Dist. N.J., against Denburg's Modern Bakery, a corporation, Newark, N.J., and Abe M. Denburg, secretary-treasurer of the corporation.

SHIPPED: 7-1-58, from New Jersey to New York.

LABEL IN PART: (Bread) "Denburg's Modern Bakery 310 Elizabeth Ave. Newark, N.J. DENBURG'S RYE AND CHALAS."

CHARGE: 402(a)(3)—contained insect parts and insect fragments; and 402(a)(4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 6-10-60. Corporation fined \$1,000; individual fined \$750 and placed on probation for 2 years.

26657. Flavored bread crumbs. (F.D.C. No. 44318. S. Nos. 58-270 P, 65-873 P.)

INFORMATION FILED: 5-18-60, Dist. N.J., against J. Colonna Bros., a partnership, North Bergen, N.J., and Leonard Colonna, a partner.

SHIPPED: 7-10-59 and 7-13-59, from New Jersey to New York.

LABEL IN PART: (Pkg.) "Colonna Redi-Mix Italian Style Flavored Bread Crumbs Net Weight 9 oz. Packed by J. Colonna Bros; North Bergen, N.J."

CHARGE: 402(a)(3)—contained insect fragments and rodent hair fragments; and 402(a)(4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 6-24-60. Each defendant was fined \$500.

26658. Chocolate chip cookies. (F.D.C. No. 44415. S. No. 90-782 P.)

QUANTITY: 95 cases, 6 5½-oz. pkgs. each, at East Hartford, Conn.

SHIPPED: 10-20-59 and 10-22-59, from Lowell, Mass., by Megowen Educator Food Co.

LABEL IN PART: (Pkg.) "E Chocolate Chip Cookies * * * Megowen Educator Food Co., Lowell, Mass. * * * Ingredients: Flour, Sugar, Corn Flour, Vegetable Shortening, Chocolate, Cocoa, Invert Sugar, Salt, Leavening, Artificial Flavor and Color."

RESULTS OF INVESTIGATION: Examination showed that some of the "chips" in the article were not chocolate.

LIBELED: 4-6-60, Dist. Conn.

CHARGE: 402(b)(1)—when shipped, a valuable constituent, chocolate, had been in part omitted from the article; and 403(a)—the label statement "Chocolate Chip" was false and misleading as applied to the article in which a number of the "chips" contained therein consisted of a substance other than chocolate.

DISPOSITION: 6-9-60. Default—delivered to charitable institutions.

FLOUR

26659. Flour. (F.D.C. No. 44266. S. No. 90-833 P.)

QUANTITY: 16 100-lb. bags at Worcester, Mass.

SHIPPED: 1-25-60, from Milford, Conn., by Rose Mill, Inc.

LABEL IN PART: "Rose Mill Milford Connecticut 100% Stone-Ground Whole Wheat Flour."

LIBELED: 2-26-60, Dist. Mass.

CHARGE: 402(a)(3)—contained rodent hair fragments; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 5-16-60. Default—delivered to a public institution for use as animal feed.

26660. Flour. (F.D.C. No. 44712. S. No. 11-837 R.)

QUANTITY: 120 100-lb. bags at Chicago, Ill.

SHIPPED: 5-6-60, from Barton, Wis., by Gadow Milling Co.

LABEL IN PART: (Tag) "Snow Drop Flour Manufactured by Gadow Milling Company Barton, Wisconsin."

LIBELED: 7-7-60, N. Dist. Ill.

CHARGE: 402(a)(3)—contained rodent hairs and insect fragments; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 8-3-60. Default—destruction.

26661. Flour. (F.D.C. No. 44459. S. No. 18-507 R.)

QUANTITY: 180 25-lb. bags at Lubbock, Tex., in possession of Furr's, Inc.

SHIPPED: From outside the State of Texas.

LIBELED: 5-20-60, N. Dist. Tex.

CHARGED: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 8-5-60. Default—destruction.

26662. Flour. (F.D.C. No. 44681. S. No. 32-873 R.)

QUANTITY: 51 100-lb. bags at New York, N.Y., in possession of Lehigh Valley Railroad.

SHIPPED: 5-11-60, from Red Wing, Minn.

LIBELED: 7-5-60, S. Dist. N.Y.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 8-12-60. Default—destruction.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS*

26663. Wheat. (Inj. No. 344.)

COMPLAINT FOR INJUNCTION FILED: 12-11-58, Dist. Kans., against Dannen Mills, Inc., Ashton, Kans.

CHARGE: The complaint alleged that the defendant was engaged in storing and distributing wheat for human consumption, and that the defendant had been and was causing to be introduced and delivered for introduction into interstate commerce, such wheat which was adulterated under 402(a)(3) in that it contained rodent and insect filth; and under 402(a)(4) in that it was held under insanitary conditions whereby it may have become contaminated with filth.

It was alleged further that the insanitary conditions in the defendant's grain elevator, where the wheat was held, resulted from and consisted of ill-fitting doors on the driveway under which rodents could enter even when they are closed; an odor of decomposition; mouse excreta pellets in the driveway; a large, rodent-gnawed hole in the southwest corner of the driveway; mouse excreta pellets on the beam in the dump pit under which wheat flows; rat

*See also No. 26697.

pellets on the work floor and mouse excreta pellets on the wheat stored on the work floor; rodents living in an old unused collecting bin in the boot pit, with rodent-gnawed holes, rodent burrows, and rat excreta pellets on the bottom of the pit and the ledges, as well as a dead mouse on the floor of the boot pit and a strong odor of decomposition; mouse excreta pellets and mouse tracks on the surface of the wheat in all the bins in the headhouse, as well as live weevils in the wheat and heavily tracked ledges and rodent-gnawed holes in the headhouse; rat and mouse pellets and dead mice in the feed warehouse from which rodents come and go to the elevator where wheat for human consumption was stored; mouse burrows around the drive; a pump house and a pile of railroad car doors on the premises which served as rat harborages; rodent holes, rodent tracks on the wheat, mouse excreta pellets around the pillars supporting the roof, near the bottom of the valleys of wheat, and along the walls, as well as live mites on the wheat, in the flat storage building.

DISPOSITION: On 12-24-58, the defendant having consented, the court entered a temporary injunction enjoining the defendant against causing wheat for human consumption, or any similar article of food, to be introduced and delivered for introduction into interstate commerce, unless and until:

(a) the elevator was thoroughly cleaned, renovated, and rendered suitable for the storage of wheat for human consumption and all rodent and insect filth were removed from the elevator and all equipment used in storing such wheat was cleaned; all rodent and insect infestation in the elevator and storage warehouse was eliminated and their means of ingress and egress to the elevator and storage warehouse were closed; all dead animals were removed; and any similar insanitary conditions which may result in the contamination of such wheat while held in the elevator and storage warehouse were eliminated;

(b) all of the wheat for human consumption on hand in the elevator at the time the elevator was cleaned, renovated and rendered suitable for the storage of wheat for human consumption, was destroyed, denatured for use as animal feed, or cleaned and otherwise reconditioned under the supervision of a duly authorized representative of the Food and Drug Administration; and

(c) an inspection was made of the grain elevator and storage warehouse by the Food and Drug Administration, and a report made to the court that the above-mentioned insanitary conditions no longer existed and that the wheat for human consumption had been destroyed, denatured, or brought into compliance with the law.

On 4-28-59, the court entered an order modifying the injunction to permit the defendant to ship wheat in interstate commerce from the elevator in view of the fact that the defendant had removed the insanitary conditions existing there at the time of the entering of the temporary injunction.

On 3-23-60, on motion of the Government, the injunction was dismissed with prejudice for the reason that the grain on hand and the premises were in good condition.

26664. Wheat. (F.D.C. No. 44696. S. No. 44-482 R.)

QUANTITY: 111,000 lbs. at Tacoma, Wash.

SHIPPED: 6-6-60, from Bellevue, Idaho, by Wood River Feed & Seed Co., Inc.

LIBELED: 6-28-60, W. Dist. Wash.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 7-12-60. Consent—claimed by Wood River Feed & Seed Co., Inc., and denatured for use as animal feed.

26665. Wheat. (F.D.C. No. 44530. S. No. 28-799 R.)

QUANTITY: 48,600 lbs. at Red Wing, Minn.

SHIPPED: 6-30-60, from Sisseton, S. Dak., by Benson-Quinn Co.

LIBELED: 7-18-60, Dist. Minn.

CHARGE: 402(a)(3)—contained rodent pellets when shipped.

DISPOSITION: 7-20-60. Consent—claimed by Benson-Quinn Co. Segregated; 2,190 lbs. destroyed, and 4,130 lbs. disposed of as animal feed.

26666. Wheat. (F.D.C. No. 44529. S. No. 27-927 R.)

QUANTITY: 33,000 lbs. at St. Paul, Minn.

SHIPPED: 7-11-60, from Mandan, N. Dak., by Mandan Farmers Cooperative Elevator Co.

LIBELED: 7-14-60, Dist. Minn.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 7-18-60. Consent—claimed by Mandan Farmers Cooperative Elevator Co., and denatured for use as animal feed.

26667. Wheat. (F.D.C. No. 44526. S. No. 28-451 R.)

QUANTITY: 27,070 lbs. at Minneapolis, Minn.

SHIPPED: 7-6-60, from Sisseton, S. Dak., by Farmers Cooperative Elevator.

LIBELED: 7-13-60, Dist. Minn.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 7-25-60. Consent—claimed by Farmers Union Grain Terminal Association, St. Paul, Minn. Segregated; 660 lbs. denatured for use as animal feed.

26668. Wheat. (F.D.C. No. 44525. S. No. 29-181 R.)

QUANTITY: 37,000 lbs. at Minneapolis, Minn.

SHIPPED: 7-6-60, from Hillsvew, S. Dak., by Hillsvew Elevator, Inc.

LIBELED: 7-13-60, Dist. Minn.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 7-14-60. Consent—claimed by Hillsvew Elevator, Inc., Hillsvew, S. Dak. Segregated; 2,370 lbs. destroyed, and 5,290 lbs. disposed of as animal feed.

26669. Wheat. (F.D.C. No. 44524. S. No. 29-536 R.)

QUANTITY: 120,000 lbs. at Minneapolis, Minn.

SHIPPED: 6-22-60, from Westhope, N. Dak., by Farmers Union Elevator Association.

LIBELED: 7-13-60, Dist. Minn.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 7-19-60. Consent—claimed by Farmers Union Grain Terminal Association, St. Paul, Minn. Segregated; 3,430 lbs. denatured for use as animal feed.

26670. Wheat. (F.D.C. No. 44512. S. No. 28-448 R.)

QUANTITY: 39,000 lbs. at Minneapolis, Minn.

SHIPPED: 6-29-60, from Sawyer, N. Dak., by Sawyer Farmers Cooperative Association.

LIBELED: 7-6-60, Dist. Minn.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 7-13-60. Consent—claimed by Sawyer Farmers Cooperative Elevator Co., and denatured for use as animal feed.

26671. Wheat. (F.D.C. No. 44509. S. No. 44-529 R.)

QUANTITY: 121,800 lbs. at Seattle, Wash.

SHIPPED: 6-15-60, from Berthold, N. Dak., by Berthold Farmers Elevator Co.

LIBELED: 7-1-60, W. Dist. Wash.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 7-29-60. Consent—claimed by Atwood Larson Co., Inc., Portland, Oreg., and denatured for use as animal feed.

26672. Wheat. (F.D.C. No. 44500. S. No. 29-825 R.)

QUANTITY: 90,000 lbs. at Minneapolis, Minn.

SHIPPED: 6-6-60, from Strasburg, N. Dak., by Farmers Union Grain Terminal Association.

LIBELED: 6-16-60, Dist. Minn.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 6-22-60. Consent—claimed by Farmers Union Grain Terminal Association. Segregated; 6,610 lbs. converted into animal feed.

26673. Wheat. (F.D.C. No. 44499. S. No. 24-953 R.)

QUANTITY: 50,400 lbs. at Kansas City, Kans.

SHIPPED: 6-3-60, from Eagle, Nebr., by Continental Grain Co.

LIBELED: 6-21-60, Dist. Kans.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 7-12-60. Consent—claimed by Continental Grain Co. Segregated; 2,240 lbs. denatured for use as animal feed.

26674. Wheat. (F.D.C. No. 44471. S. No. 24-945 R.)

QUANTITY: 110,400 lbs. at Kansas City, Kans.

SHIPPED: 5-13-60, from Ohio, Nebr., by Farmers Union Cooperative Association.

LIBELED: 6-2-60, Dist. Kans.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 6-8-60. Consent—claimed by Farmers Union Cooperative Association. Segregated; 12,980 lbs. destroyed.

26675. Wheat. (F.D.C. No. 44493. S. No. 43-711 R.)

QUANTITY: 90,000 lbs. at Tacoma, Wash.

SHIPPED: 5-19-60, from Chappell, Mont., by Greely Elevator Co.

LIBELED: 6-9-60, W. Dist. Wash.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 6-13-60. Consent—claimed by Greely Elevator Co., Great Falls, Mont., and denatured for use as animal feed.

26676. Barley. (F.D.C. No. 44488. S. No. 43-290 R.)

QUANTITY: 119,040 lbs. at Spokane, Wash.

SHIPPED: 5-13-60, from Dutton, Mont., by Greely Elevator Co.

LIBELED: 6-8-60, E. Dist. Wash.

CHARGE: 402(a)(2)—the article was a raw agricultural commodity and, when shipped, contained a pesticide chemical, namely, a mercurial compound, which is unsafe within the meaning of 408 since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on barley has been prescribed by regulations.

DISPOSITION: 6-29-60. Consent—claimed by Greely Elevator Co., and reconditioned for use as seed.

26677. Brewers grits. (F.D.C. No. 44539. S. No. 4-234 R.)

QUANTITY: 129,984 lbs. at Cumberland, Md.

SHIPPED: 3-9-60 and 4-1-60, from Milwaukee, Wis.

LIBELED: 4-22-60, Dist. Md.

CHARGE: 402(a)(3)—contained insects and insect fragments while held for sale.

DISPOSITION: 5-11-60 and 5-18-60. Consent—claimed by Queen City Brewing Co., Cumberland, Md., and denatured for use as animal feed.

26678. Buckwheat groats. (F.D.C. No. 44265. S. Nos. 90-338 P, 91-098/9 P.)

QUANTITY: 22 50-lb. bags, 60 50-lb. bags, and 32 50-lb. bags at Charlestown, Mass., in possession of John F. Raeke Co.

SHIPPED: Between 9-3-59 and 12-8-59, from Penn Yan, N.Y.

LIBELED: 2-26-60, Dist. Mass.

CHARGE: 402(a)(3)—22-bag and 60-bag lots contained rodent urine and rodent excreta pellets; and 402(a)(4)—all lots held under insanitary conditions.

DISPOSITION: 4-25-60. Default—delivered to a public institution for use as animal feed.

26679. Buckwheat groats. (F.D.C. No. 44259. S. Nos. 90-339/40 P.)

QUANTITY: 31 50-lb. bags at Chelsea, Mass.

SHIPPED: 12-9-59, from Penn Yan, N.Y.

LIBELED: 2-25-60, Dist. Mass.

CHARGE: 402(a)(3)—contained rodent urine while held for sale.

DISPOSITION: 4-25-60. Default—delivered to a public institution for use as animal feed.

DAIRY PRODUCTS

BUTTER

26680. Butter. (F.D.C. No. 43732. S. No. 29-322 R.)

QUANTITY: 156 64-lb. boxes at New York, N.Y.

SHIPPED: 5-26-60, from Parkersburg, Iowa.

RESULTS OF INVESTIGATION: Analysis showed the article to be deficient in fat and below the legal standard for milk fat.

LIBELED: 6-16-60, S. Dist. N.Y.

CHARGE: 402(b)(2)—while held for sale, the article was below the legal standard for milk fat.

DISPOSITION: 7-1-60. Consent—claimed by Kesley Cooperative Creamery, Kesley, Iowa, and reworked.

26681. Butter. (F.D.C. No. 43733. S. No. 26-077 R.)

QUANTITY: 32 64-lb. boxes at Los Angeles, Calif.

SHIPPED: 6-4-60, from Cabool, Mo., by Producers Creamery Co.

LABEL IN PART: "SWEET CREAM BUTTER * * * Producers Creamery Co., Cabool, Missouri."

LIBELED: 6-17-60, S. Dist. Calif.

CHARGE: 402(b)(1)—when shipped, a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: 7-8-60. Consent—claimed by Wilsey-Bennett Co., Los Angeles, Calif., and brought into compliance with the law.

MILK

26682. Evaporated milk. (F.D.C. No. 44588. S. No. 25-419 R.)

QUANTITY: 498 cases, 48 14½-oz. cans each, at Phoenix, Ariz.

SHIPPED: 2-3-60 and 3-11-60, from Hanford, Calif., by Safeway Stores, Inc., Milk Department.

LABEL IN PART: (Can) "Cherub Evaporated Milk * * * Distributed by Safeway Stores, Inc., Oakland, Calif."

RESULTS OF INVESTIGATION: Examination showed that the article contained added poisonous and deleterious substances, namely, DDT, DDD, and TDE.

LIBELED: 5-24-60, Dist. Ariz.

CHARGE: 402(a)(2)—when shipped, the article contained added poisonous and deleterious substances, namely, DDT, DDD, and TDE, which are unsafe within the meaning of 406 since these are substances not required in the production of the article and can be avoided by good manufacturing practice.

DISPOSITION: 7-25-60. Default—destruction.

EGGS

26683. Frozen eggs (2 seizure actions). (F.D.C. Nos. 43557, 43945. S. Nos. 63-973/6 P. 64-344 P.)

QUANTITY: 4,099 30-lb. cans and 1,175 30-lb. cans at Boston and Cambridge, Mass.

SHIPPED: The article was shipped in the form of shell eggs between the approximate dates of 4-10-59 and 10-9-59, from various interstate and intrastate sources in the States of Maine, Massachusetts, New Hampshire, and Rhode Island.

RESULTS OF INVESTIGATION: Upon receipt of the shell eggs which had been shipped as described above, the Fleishman Egg Co., Boston, Mass., packed such eggs in the form of frozen eggs.

LIBELED: 9-25-59 and 12-4-59, Dist. Mass.

CHARGE: 402(a)(3)—contained decomposed eggs while held for sale.

DISPOSITION: 3-25-60. Saul F. Fleishman, t/a Fleishman Egg Co., claimant, having consented to the entry of a decree and filed a motion for consolidation of the two seizure actions, which motion was granted, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law. The product was segregated; 1,484 cans were found unfit and denatured.

26684. Frozen eggs. (F.D.C. No. 44481. S. No. 41-766 R.)

QUANTITY: 80 30-lb. cans at Reno, Nev.

SHIPPED: 5-6-60, from Sacramento, Calif., by Poultry Producers of Central California.

LABEL IN PART: "Frozen Whole Eggs Packed By Poultry Producers Of Central California Sacramento."

LIBELED: 6-2-60, Dist. Nev.

CHARGE: 402(a)(3)—contained decomposed eggs when shipped.

DISPOSITION: 8-4-60. Consent—claimed by Farmers Exchange Co., Reno, Nev. Segregated; 17 30-lb. cans destroyed.

26685. Frozen eggs. (F.D.C. No. 44484. S. No. 41-767 R.)

QUANTITY: 49 10-lb. cans at Reno, Nev.

SHIPPED: 6-15-59, from San Francisco, Calif.

LIBELED: 6-7-60, Dist. Nev.

CHARGE: 402(a)(3)—contained decomposed eggs while held for sale.

DISPOSITION: 8-8-60. Consent—destruction.

26686. Incubator reject eggs. (F.D.C. No. 42169. S. No. 27-900 P.)

INFORMATION FILED: 7-15-59, E. Dist. Tex., against Technical Egg Products, Inc., Nashville, Tenn., Seymour M. Levin, president and general manager of the corporation, and John L. Deason, an employee.

SHIPPED: 4-18-58, from Texas to Louisiana.

CHARGE: 402(a)(3)—contained decomposed eggs and incubator reject eggs.

DISPOSITION: Pursuant to the request of the defendants, the case against Technical Egg Products, Inc., and Seymour Levin was transferred to the Northern District of Georgia, and the case against John Deason was transferred to the Middle District of Tennessee. Thereafter, the defendants entered pleas of guilty. On 1-28-60, the United States District Court for the Northern District of Georgia fined the corporation \$250 and Seymour Levin \$500. On 3-16-60, the United States District Court for the Middle District of Tennessee placed John Deason on probation for 2 years.

FEEDS AND GRAINS

26687. Cottonseed meal. (F.D.C. No. 44135. S. No. 177 R.)

QUANTITY: 60 100-lb. bags at Topeka, Kans.

SHIPPED: 12-30-59, from Memphis, Tenn., by Goldenrod Oil Meal Sales Co.

LABEL IN PART: (Tag) "Golden Rod Brand 41% Protein Cottonseed Meal * * * Crude Protein 41.0%; Crude Fat 3.00%; N.F.E. 25.00%; Not More Than Crude Fiber 14.00%. Ingredients: Cottonseed Meal * * * Goldenrod Oil Meal Sales Co., Memphis, Tenn."

RESULTS OF INVESTIGATION: Examination showed that the article contained approximately 38.2 percent protein.

LIBELED: 4-25-60, Dist. Kans.

CHARGE: 402(b)(1)—when shipped, the valuable constituent, protein, had been in part omitted or abstracted from the article; and 402(b)(2)—cottonseed of less protein content had been substituted in whole or in part for the article.

DISPOSITION: 6-22-60. Default—delivered to a public institution for use as animal feed.

26688. Range feed. (F.D.C. No. 44290. S. No. 56-142 P.)

INFORMATION FILED: 6-30-60, Dist. Nebr., against O. A. Cooper Co., Inc., Humboldt, Nebr.

SHIPPED: 9-24-59, from Nebraska to Kansas.

LABEL IN PART: (Bag) "Net Weight 50 Pounds LUCKY SEVEN 41% RANGE FEED Guaranteed Analysis Crude Protein, not less than . . . 41.00% Manufactured by THE O. A. COOPER CO. HUMBOLDT and BEATRICE, NEBRASKA."

CHARGE: 402(b)(1)—when shipped, a valuable constituent, protein, had been in part omitted from the article; and 403(a)—the label statement "Guaranteed Analysis Crude Protein, not less than 41.00%" was false and misleading.

PLEA: Nolo contendere.

DISPOSITION: 6-30-60. \$1,000 fine, plus costs.

FISH AND SHELLFISH

26689. Cod fillets and hake fillets (fish). (F.D.C. No. 41720. S. Nos. 76-101 M, 76-693 M.)

INFORMATION FILED: 12-16-58, Dist. Mass., against Warren Fitch Co., Inc., Boston, Mass., and Louis Kurhan, president.

SHIPPED: 7-11-57 and 11-14-57, from Massachusetts to Florida.

CHARGE: 402(a)(2)—when shipped, the articles bore and contained added poisonous and deleterious substances, oxytetracycline in the cod fillets and chlortetracycline in the hake fillets, which substances were unsafe within the meaning of 406; 403(e)—the cod fillets failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor and (2) an accurate statement of the quantity of contents; 403(i)(1)—the label of the cod fillets failed to bear the common or usual name of the food; 403(i)(2)—the articles were fabricated from two or more ingredients and the labels of each article failed to bear the common or usual name of each ingredient; and 403(k)—the cod fillets contained a chemical preservative, oxytetracycline, and the hake fillets contained a chemical preservative, chlortetracycline, and such articles failed to bear labeling stating those facts.

DISPOSITION: The defendants filed a motion for a bill of particulars which was granted in part. Thereafter, the defendants entered pleas of nolo contendere and on 5-2-60, the court fined the corporation \$200 and the individual \$50.

26690. Canned oysters. (F.D.C. No. 44579. S. Nos. 44-253 R, 44-386 R.)

QUANTITY: 19 cases, 24 8-oz. cans each, at Seattle, Wash.

SHIPPED: 6-11-59, from Phoenix, La., by L. Lopez' Sons, Inc.

LABEL IN PART: (Can) "West Best Brand Cove Oysters * * * Distributed by The Commission Co., Inc., Seattle, Wash."

LIBELED: 5-18-60, W. Dist. Wash.

CHARGE: 402(a) (3)—contained insects and insect fragments when shipped.

DISPOSITION: 7-25-60. Default—destruction.

FRUITS AND VEGETABLES

DRIED FRUIT

26691. Dried pears. (F.D.C. No. 41658. S. No. 28-244 P.)

QUANTITY: 5 cases, 24 12-oz. pkgs. each, at Corpus Christi, Tex.

SHIPPED: 2-21-58, from San Jose, Calif., by Richmond Chase Co.

LABEL IN PART: (Pkg.) "Heart's Delight Fancy Pears."

RESULTS OF INVESTIGATION: Inspection of the Harry Meyer Ranch, Geyserville, Calif., showed that the fruit was dried under insanitary conditions.

LIBELED: On or about 4-14-58, S. Dist. Tex.

CHARGE: 402(a) (3)—contained rodent hairs, insects, and insect parts; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 5-12-58. Default—delivered to a charitable institution for use as animal feed.

26692. Raisins. (F.D.C. No. 44736. S. Nos. 36-638/9 R.)

QUANTITY: 83 30-lb. cases at Philadelphia, Pa.

SHIPPED: 2-24-60, from Sanger, Calif.

LIBELED: 7-21-60, E. Dist. Pa.

CHARGE: 402(a) (3)—contained insects and moldy raisins while held for sale.

DISPOSITION: 8-1-60. Default—destruction.

FRESH FRUIT

26693. Fresh cranberries. (F.D.C. No. 43805. S. No. 49-078 P.)

QUANTITY: 311 cloth bags, each containing 44 lbs., at Modesto, Calif.

SHIPPED: 10-20-59, from Coquille, Oreg.

LIBELED: 11-13-59, N. Dist. Calif.

CHARGE: 402(a) (2)—the article was a raw agricultural commodity and, when shipped, it contained a pesticide chemical, aminotriazole, which is unsafe within the meaning of 408 since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on cranberries has been prescribed by regulations.

DISPOSITION: 12-18-59. Default—destruction.

VEGETABLES AND VEGETABLE PRODUCTS

26694. Celery. (F.D.C. No. 44492. S. No. 22-001 R.)

QUANTITY: 482 crates, 24 stalks each, at Detroit, Mich.

SHIPPED: 5-28-60, from Dyer, Calif., by Sakioka Farms.

LABEL IN PART: "Blue Mink Brand Select Vegetables."

LIBELED: 6-13-60, E. Dist. Mich.

CHARGE: 402(a)(2)—the article was a raw agricultural commodity and, when shipped, contained a pesticide chemical, namely, parathion, which is unsafe within the meaning of 408 since the quantity of such pesticide chemical on the article was not within the limits of the tolerance prescribed by regulations.

DISPOSITION: 7-7-60. Default—destruction.

26695. Celery. (F.D.C. No. 44673. S. No. 22-002 R.)

QUANTITY: 482 crates, each containing 24 stalks of celery, at Newark, N.J.

SHIPPED: 5-28-60, from Dyer, Calif., by Sakioka Farms.

LABEL IN PART: (Crate) "Blue Mink Brand Select Vegetables."

LIBELED: 6-17-60, Dist. N.J.

CHARGE: 402(a)(2)—the article was a raw agricultural commodity and, when shipped, contained a pesticide chemical, namely, parathion, which is unsafe within the meaning of 408 since the quantity of such pesticide chemical on the article was not within the limits of the tolerance prescribed by regulations.

DISPOSITION: 7-18-60. Default—destruction.

26696. Canned corn. (F.D.C. No. 43465. S. No. 51-470 P.)

QUANTITY: 2,308 cases, 24 12-oz. cans each, at Grand Rapids, Mich.

SHIPPED: 8-28-59, from Hortonville, Wis., by Fox Valley Canning Co.

LABEL IN PART: (Can) "Freshlike Golden Sweet Whole Kernel Corn * * *
Distributed by the Larsen Company, Green Bay, Wisconsin."

LIBELED: 10-1-59, W. Dist. Mich.

CHARGE: 402(a)(3)—contained insects, insect parts, and rodent hairs; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 11-5-59. Default—delivered to a public institution for use as animal feed.

26697. Lentils, rice, aniseed, and mint leaves. (F.D.C. No. 44427. S. Nos. 6-625 R, 6-627/9 R, 6-634 R.)

QUANTITY: 5 165-lb. bags and 9 110-lb. bags of lentils, 1 100-lb. bag of rice, 1 100-lb. bag of aniseed, and 75 lbs. of mint leaves, at Boston, Mass., in possession of Nahigian Grocery Co.

SHIPPED: Between April 1959 and 12-31-59, from outside the State of Massachusetts.

LIBELED: 4-11-60, Dist. Mass.

CHARGE: 402(a)(3)—contained rodent hairs, rodent urine, and rodent excreta; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 6-20-60. Default—destruction.

26698. Lupini beans. (F.D.C. No. 44613. S. No. 7-342 R.)

QUANTITY: 70 110-lb. bags at Swansea, Mass.

SHIPPED: Prior to 1-27-60, from Italy.

LIBELED: 6-8-60, Dist. Mass.

CHARGE: 402(a)(3)—contained rodent urine, rodent excreta, and rodent-gnawed beans while held for sale.

DISPOSITION: 8-31-60. Default—destruction.

26699. Pickled peppers. (F.D.C. No. 44508. S. No. 20-955 R.)

QUANTITY: 232 cases, 12 16-oz. jars each, at Toledo, Ohio.

SHIPPED: 3-31-60, from New Baltimore, Mich., by Safie Bros. Farms Pickle Co.

LABEL IN PART: (Jar) "Vlasic Mild'n Mellow Peppers * * * Vlasic Food Products Co. Imlay City, Michigan."

LIBELED: 7-1-60, N. Dist. Ohio.

CHARGE: 402(a)(3)—contained insects when shipped.

DISPOSITION: 8-12-60. Default—destruction.

26700. Sauerkraut. (F.D.C. No. 44291. S. Nos. 66-161 P, 66-240 P, 68-079 P.)

INFORMATION FILED: 3-30-60, N. Dist. N.Y., against Norwich Packing Co., Inc., and Rea-D-Pack Foods, Inc., North Norwich, N.Y.

SHIPPED: Between 9-24-59 and 10-16-59, from New York to Pennsylvania.

LABEL IN PART: (Bag) "Willie's 'Home-Style' Sauerkraut Contents 2 lbs. Rea-D-Pack Foods N. Norwich, N.Y."

CHARGE: 402(a)(3)—contained flies, maggots, insects, insect fragments, and fly eggs; and 402(a)(4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 6-13-60. Each defendant fined \$600.

TOMATOES AND TOMATO PRODUCTS

26701. Canned tomatoes. (F.D.C. No. 44072. S. Nos. 97-358 P, 97-362 P.)

QUANTITY: 353 cases, 24 1-lb. cans each, and 43 cases, 24 1-lb. 3-oz. cans each, at Elwood, Ind.

SHIPPED: 12-3-59 and 12-31-59, from Elwood, Ind., to Milwaukee, Wis., by Fettig Canning Co., and returned to Elwood, Ind.

LABEL IN PART: (Can) "A&P [or "Sultana"] * * * Tomatoes * * * The Great Atlantic & Pacific Tea Company New York, N.Y. Distributor."

LIBELED: 3-14-60, S. Dist. Ind.

CHARGE: 402(a)(3)—contained fly eggs and maggots, and (43 case lot) decomposed tomato material when shipped.

DISPOSITION: 5-19-60. Default—destruction.

26702. Canned tomatoes. (F.D.C. No. 44685. S. No. 7-324 R.)

QUANTITY: 98 cases, 6 6-lb. 6-oz. cans each, at Burlington, Vt.

SHIPPED: 4-18-60, from Clyde, N.Y., by H. C. Hemingway & Co.

LABEL IN PART: (Can) "Royal Guest Brand Tomatoes * * * Packed for Food Products Co. of America Chicago, Ill."

LIBELED: 6-30-60, Dist. Vt.

CHARGE: 402(a)(3)—contained fly eggs and maggots when shipped.

DISPOSITION: 7-20-60. Default—destruction.

26703. Canned tomatoes. (F.D.C. No. 44243. S. No. 71-970 P.)

QUANTITY: 1,995 cases, 24 1-lb. cans each, at East Point, Ga.

SHIPPED: 1-6-60, from Preston, Md., by Albert W. Sisk & Son.

LABEL IN PART: (Can) "Redgate Tomatoes * * * Distributor Colonial Stores Incorporated * * * Atlanta, Georgia."

LIBELED: 2-12-60, N. Dist. Ga.

CHARGE: 402(a)(3)—contained fly eggs and maggots; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 8-3-60. Default—destruction.

26704. Tomato catsup. (F.D.C. No. 44496. S. No. 8-319 R.)

QUANTITY: 293 cases, 12 3-lb. 7-oz. cans each, at Murrysville, Pa.

SHIPPED: 4-13-60, from Silver Creek, N.Y., by Silver Creek Preserving Corp.

LABEL IN PART: (Can) "Butternut Tomato Catsup * * * Packed by Silver Creek Preserving Corporation, Silver Creek, Chautauqua Co., New York."

LIBELED: 6-15-60, W. Dist. Pa.

CHARGE: 402(a)(3)—contained fly eggs, maggots, and fly parts when shipped.

DISPOSITION: 7-11-60. Default—destruction.

MEAT PRODUCTS AND POULTRY

26705. Canned ham and canned Canadian bacon. (F.D.C. No. 44442. S. Nos. 29-908/11 R.)

QUANTITY: 61 3-lb. cans, 5 5-lb. cans, and 3 8-lb. 4-oz. cans of ham, and 14 3-lb. cans of Canadian bacon, at Des Moines, Iowa.

SHIPPED: 1-28-60, from New York, N.Y.

LIBELED: 4-21-60, S. Dist. Iowa.

CHARGE: 402(a)(3)—contained decomposed meat while held for sale.

DISPOSITION: 5-26-60. Default—destruction.

26706. Canned chopped pork. (F.D.C. No. 44417. S. No. 36-509 R.)

QUANTITY: 112 6-lb. cans and 104 4-lb. cans at Philadelphia, Pa.

SHIPPED: Between 4-22-58 and 6-16-58, from Hoboken, N.J.

LIBELED: 4-1-60, E. Dist. Pa.

CHARGE: 402(a)(3)—contained decomposed meat while held for sale.

DISPOSITION: 5-4-60. Default—destruction.

26707. Frozen roasted chickens. (F.D.C. No. 44377. S. No. 97-024 P.)

QUANTITY: 285 frozen, roasted chickens, individually wrapped in plastic bags, at Brooklyn, N.Y.

SHIPPED: 12-21-59, from Danbury, Conn., by G. Jondel Co.

LIBELED: 4-4-60, E. Dist. N.Y.

CHARGE: 403(b)—when shipped, the article was chickens and was offered for sale under the name of another food, namely, "Pheasnets" and "Game Hens"; 403(e)—it failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor; and (2) an accurate statement of the quantity of the contents; and 403(i)—its label failed to bear (1) the common or usual name of the food, and (2) since it was fabricated from two or more ingredients, the common or usual name of each such ingredient.

DISPOSITION: 4-28-60. Default—destruction.

NUTS

26708. Shelled almonds. (F.D.C. No. 44371. S. Nos. 96-768 P, 96-777 P, 96-780 P, 96-881/5 P, 96-892 P.)

QUANTITY: 199 50-kilo bags at New York, N.Y., in possession of West Side Cold Storage Co., Inc.

SHIPPED: Between 10-25-58 and 7-31-59, from Spain and Italy.

LIBELED: 3-31-60, S. Dist. N.Y.

CHARGE: 402(a) (3)—contained rodent urine; and 402(a) (4)—held under insanitary conditions.

DISPOSITION: 5-20-60. Consent—claimed by T. M. Duche & Sons, Inc., New York, N.Y. Segregated; 160 lbs. destroyed.

26709. Unshelled almonds, unshelled walnuts, and unshelled mixed nuts (5 seizure actions). (F.D.C. Nos. 43858, 43962, 44016, 44038, 44180. S. Nos. 35-010 P, 45-598 P, 45-651 P, 50-069 P, 68-089 P, 70-434/9 P, 76-820 P, 92-492 P.)

QUANTITY: 51 cases, 24 1-lb. pkgs. each, of unshelled almonds, at Tacoma, Wash., 134 cases, 24 1-lb. boxes each, of unshelled walnuts, at Beaumont, Tex., and 633 cases, 24 1-lb. pkgs. each, of unshelled mixed nuts, at Denver, Colo., Louisville, Ky., and Reading, Pa.

SHIPPED: Between 9-24-59 and 12-1-59, from Chico, Calif.

LIBELED: Between 12-4-59 and 1-26-60, Dist. Colo., W. Dist. Wash., E. Dist. Tex., W. Dist. Ky., and E. Dist. Pa.

CHARGE: 402(a) (3)—contained insects, gummy, moldy, shriveled, decomposed, and rancid nuts, and empty shells while held for sale.

DISPOSITION: Between 12-14-59 and 3-29-60. Consent—claimed by Continental Nut Co., Chico, Calif. Segregated; 58 lbs. of filberts, 44 lbs. of brazil nuts, 3,382 lbs. of walnuts, and 4,795 lbs. of almonds destroyed.

26710. Shelled cashew nuts. (F.D.C. No. 44076. S. No. 53-678 P.)

QUANTITY: 118 50-lb. cases at Los Angeles, Calif.

SHIPPED: On an unknown date, from India.

LABEL IN PART: (Case) "Shelled Cashews Mijaya Bharath Cashew Co. Quilon, India * * * 320 Count Wholes * * * Whse Lot No. C-310."

LIBELED: 3-7-60, S. Dist. Calif.

CHARGE: 402(a) (2)—the article was a raw agricultural commodity and, when shipped, contained a pesticide chemical, namely, inorganic bromide, which is unsafe within the meaning of 408 since the quantity of such pesticide chemical on the article was not within the limits of the tolerance prescribed by regulations.

DISPOSITION: 3-30-60. Default—destruction.

26711. Dried shelled chestnuts. (F.D.C. No. 44401. S. No. 96-764 P.)

QUANTITY: 6 55-lb. bags at New York, N.Y., in possession of West Side Cold Storage Co., Inc.

SHIPPED: On an unknown date, from Italy.

LIBELED: 3-31-60, S. Dist. N.Y.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 5-4-60. Default—destruction.

26712. Dried shelled chestnuts. (F.D.C. No. 44396. S. Nos. 96-772 P, 96-775 P.)

QUANTITY: 499 55-lb. bags at New York, N.Y., in possession of West Side Cold Storage Co., Inc.

SHIPPED: 4-27-59 and 5-15-59, from Italy.

LIBELED: 3-31-60, S. Dist. N.Y.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 5-4-60. Default—destruction.

26713. Shelled filberts. (F.D.C. No. 44511. S. No. 29-430 R.)

QUANTITY: 6 100-lb. bags at Minneapolis, Minn.

SHIPPED: Prior to 5-13-60, from New York, N.Y.

LIBELED: 7-5-60, Dist. Minn.

CHARGE: 402(a)(3)—contained insects and moldy, decomposed nuts while held for sale.

DISPOSITION: 8-17-60. Default—denatured for use as animal feed.

26714. Shelled filberts. (F.D.C. No. 44394. S. No. 96-769 P.)

QUANTITY: 9 176-lb. bags at New York, N.Y., in possession of West Side Cold Storage Co., Inc.

SHIPPED: On an unknown date, from Turkey.

LIBELED: 3-31-60, S. Dist. N.Y.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 8-30-60. Consent—destruction.

26715. Mixed nuts. (F.D.C. No. 43983. S. Nos. 15-993 P, 71-247 P.)

QUANTITY: 33 cases, 24 1-lb. boxes each, at Knoxville, Tenn.

SHIPPED: 11-6-59, from Chicago, Ill.

LIBELED: 12-11-59, E. Dist. Tenn.

CHARGE: 402(a)(3)—contained insects, moldy, rancid, decomposed, shriveled nuts, and empty shells while held for sale.

DISPOSITION: 3-4-60. Consent—claimed by Robert L. Berner Co., Chicago, Ill. Segregated; 77.5 lbs. of pecans destroyed.

26716. Shelled peanuts. (F.D.C. No. 44440. S. No. 11-572 R.)

QUANTITY: 560 125-lb. bags at Chicago, Ill.

SHIPPED: 1-2-60, from Arlington, Ga., by Arlington Oil Mills, Inc.

RESULTS OF INVESTIGATION: Inspection of Arlington Oil Mills, Inc., showed insanitary conditions existed which would result in contamination of article prepared and packed.

LIBELED: 4-20-60, N. Dist. Ill.

CHARGE: 402(a)(3)—contained insects; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 6-28-60. Consent—claimed by Arlington Oil Mills, Inc. Segregated; 150 lbs. destroyed.

26717. Shelled Spanish peanuts. (F.D.C. No. 44468. S. No. 22-971 R.)

QUANTITY: 37 120-lb. bags at Kansas City, Mo., in possession of U.S. Cold Storage Corp.

SHIPPED: 6-24-59, from Durant, Okla.

LIBELED: On or about 5-27-60, W. Dist. Mo.

CHARGE: 402(a)(3)—contained rodent urine and rodent excreta pellets; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 7-20-60. Default—delivered to a public institution for use as animal feed.

26718. Shelled Spanish peanuts and unshelled peanuts. (F.D.C. No. 44454. S. Nos. 15-370/1 R.)

QUANTITY: 53 100-lb. bags of unshelled peanuts and 57 100-lb. bags of shelled Spanish peanuts at Indianapolis, Ind., in possession of Peak Nut Co.

SHIPPED: 12-11-59 and 2-13-60, from Suffolk, Va., and Durant, Okla.

LIBELED: 5-20-60, S. Dist. Ind.

CHARGE: 402(a)(3)—53-bag lot contained rodent urine; and 402(a)(4)—both lots held under insanitary conditions.

DISPOSITION: 6-17-60. Default—destruction.

26719. Unshelled peanuts. (F.D.C. No. 44505. S. Nos. 23-938/9 R.)

QUANTITY: 591 100-lb. bags and 114 50-lb. bags at Tulsa, Okla., in possession of Logan Concession Supply.

SHIPPED: Between 11-22-58 and 12-21-59, from Suffolk, Va., and Portales, N.M.

RESULTS OF INVESTIGATION: Examination showed that the article was contaminated with DDT, an added poisonous and deleterious substance, during storage in the warehouse.

LIBELED: 6-28-60, N. Dist. Okla.

CHARGE: 402(a)(2)—while held for sale, contained an added poisonous and deleterious substance, namely, DDT, which is unsafe within the meaning of 406; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 6-30-60. Consent—claimed by Logan Concession Supply. Segregated; 2 100-lb. bags and a half bushel basket of peanuts destroyed.

26720. Shelled pecans. (F.D.C. No. 44052. S. No. 75-729 P.)

QUANTITY: 28 30-lb. cases at St. Louis, Mo.

SHIPPED: 12-8-59, from Memphis, Tenn., by Memphis Pecan Co.

LABEL IN PART: "Top Quality * * * Shelled Pecans Memphis Pecan Company, Memphis, Tenn. Shellers & Packers * * * Small Pieces."

RESULTS OF INVESTIGATION: Examination showed that the article contained *E. coli*.

LIBELED: 2-1-60, E. Dist. Mo.

CHARGE: 402(a)(3)—contained *E. coli*; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 3-1-60. Consent—claimed by Memphis Pecan Co., and reconditioned by washing and cleaning to remove all filth.

26721. Shelled pecans. (F.D.C. No. 44085. S. No. 98-049 P.)

QUANTITY: 28 30-lb. cases at St. Louis, Mo.

SHIPPED: 12-3-59, from Memphis, Tenn., by Memphis Pecan Co.

LABEL IN PART: "Top Quality * * * Memphis Shelled Pecans Memphis Pecan Company, Memphis, Tenn. * * * Small Pieces."

RESULTS OF INVESTIGATION: Examination showed that the article contained *E. coli*.

LIBELED: 3-11-60, E. Dist. Mo.

CHARGE: 402(a)(3)—contained *E. coli*; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 4-1-60. Consent—claimed by Memphis Pecan Co., and reconditioned by washing and cleaning to remove all filth.

26722. Shelled pecans. (F.D.C. No. 44497. S. No. 38-937 R.)

QUANTITY: 42 30-lb. ctns. at Memphis, Tenn.

SHIPPED: 5-4-60, from West Memphis, Ark., by Delta Pecan Co., Inc.

LABEL IN PART: (Ctn.) "Midget Pieces * * * 7109 Delta Pecan Co. West Memphis, Arkansas * * * Shelled Pecans." and "Pecans * * * Delta Pecan Company."

LIBELED: 6-17-60, W. Dist. Tenn.

CHARGE: 402(a)(3)—contained *E. coli*; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 6-30-60. Consent—claimed by Delta Pecan Co., Inc., and reconditioned by washing and cleaning to remove all filth.

26723. Unshelled pecans. (F.D.C. No. 44123. S. No. 22-130 R.)

QUANTITY: 88 cases, 24 1-lb. boxes each, at Flint, Mich.

SHIPPED: 11-7-59, from Cairo, Ga.

LIBELED: 4-18-60, E. Dist. Mich.

CHARGE: 402(a)(3)—contained moldy, rancid, and decomposed nuts while held for sale.

DISPOSITION: 7-19-60. Default—destruction.

26724. Pinon nuts. (F.D.C. No. 44450. S. No. 41-919 R.)

QUANTITY: 25 50-lb. bags at San Francisco, Calif.

SHIPPED: 3-21-60, from Gallup, N.M., by New Mexico Pinon Nut Co.

LABEL IN PART: (Bag) "Pinon Nuts * * * Packed by New Mexico Pinon Nut Co. Gallup, New Mexico."

LIBELED: 5-6-60, N. Dist. Calif.

CHARGE: 402(a)(3)—contained animal excreta when shipped.

DISPOSITION: 5-19-60. Consent—claimed by E. M. Hirschfelder Co., San Francisco, Calif. Segregated; 200 lbs. destroyed.

26725. Pinon nuts. (F.D.C. No. 44132. S. No. 25-512 R.)

QUANTITY: 78 100-lb. bags at Los Angeles, Calif.

SHIPPED: 10-28-59 and 11-30-59, from Gallup, N.M.

LIBELED: 4-21-60, S. Dist. Calif.

CHARGE: 402(a)(3)—contained animal excreta pellets while held for sale.

DISPOSITION: 7-21-60. Consent—claimed by F. H. Griswold, Gallup, N.M.
Segregated; 73 lbs. destroyed.

26726. Shelled pistachio nuts, shelled filberts, and shelled almonds. (F.D.C. No. 44395. S. Nos. 96-770 P, 96-776 P, 96-778 P, 96-886 P, 96-888/91 P.)

QUANTITY: 3 164-lb. bags, 3 154-lb. bags, 66 72-kilo bags, and 60 70-kilo bags of shelled pistachio nuts; 11 110-lb. bags of shelled filberts; and 23 50-kilo bags of shelled almonds; at New York, N.Y., in possession of West Side Cold Storage Co.

SHIPPED: Between 1-21-59 and 7-3-59, from Iran, Italy, and Spain.

LIBELED: 3-30-60, S. Dist. N.Y.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 5-10-60. Consent—claimed by American Pistachio Corp., New York, N.Y. Segregated; 232 lbs. of pistachio nuts, 102 lbs. of filberts, and 20 lbs. of almonds destroyed.

26727. Shelled walnuts. (F.D.C. No. 44436. S. No. 32-981 R.)

QUANTITY: 100 30-lb. ctns. at New York, N.Y.

SHIPPED: 2-9-60, from Dundee, Oreg., by Hudson House, Inc.

LABEL IN PART: (Ctn.) "Large Nugget * * * Pride of Oregon Brand Oregon Shelled Walnuts Packed by Hudson House, Inc., Portland, Ore."

LIBELED: 4-22-60, S. Dist. N.Y.

CHARGE: 402(a)(3)—contained *E. coli*; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 5-26-60. Consent—claimed by Hudson House, Inc. Segregated; 30 lbs. destroyed.

SPICES, FLAVORS, AND SEASONING MATERIALS*

26728. Fennel seed. (F.D.C. No. 44502. S. No. 12-170 R.)

QUANTITY: 5 125-lb. bags at Milwaukee, Wis.

SHIPPED: 5-27-60, from New York, N.Y.

LIBELED: 6-16-60, E. Dist. Wis.

CHARGE: 402(a)(3)—contained rodent excreta and insects while held for sale.

DISPOSITION: 7-18-60. Default—destruction.

26729. Horseradish. (F.D.C. No. 44398. S. No. 96-893 P.)

QUANTITY: 31 100-lb. bags at New York, N.Y., in possession of West Side Cold Storage Co., Inc.

SHIPPED: November 1959, from Washington, N.J.

LIBELED: 3-31-60, S. Dist. N.Y.

CHARGE: 402(a)(3)—contained a decomposed substance while held for sale; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 5-4-60. Default—destruction.

*See also No. 26697.

26730. Monosodium glutamate. (F.D.C. No. 44257. S. No. 85-615 P.)

QUANTITY: 2 100-lb. drums and 1 30-lb. drum at Hicksville, N.Y.

SHIPPED: 1-5-60, from Paterson, N.J.

RESULTS OF INVESTIGATION: Examination showed that the article contained added salt and sugar or sugars.

LIBELED: 3-8-60, E. Dist. N.Y.

CHARGE: 402(b)(2)—while held for sale, 10 percent or more of salt, and sugar or sugars, had been substituted in part for monosodium glutamate; and 402(b)(4)—salt and sugar or sugars had been added to the article so as to increase its bulk or weight and reduce its quality or strength.

DISPOSITION: 4-4-60. Default—destruction.

26731. Oregano leaves. (F.D.C. No. 44475. S. No. 41-936 R.)

QUANTITY: 61 13-lb. bags at San Francisco, Calif.

SHIPPED: 5-21-59, from Tijuana, Mex.

LIBELED: 6-6-60, N. Dist. Calif.

CHARGE: 402(a)(3)—contained rodent urine while held for sale.

DISPOSITION: 8-10-60. Default—destruction.

26732. Poppyseed. (F.D.C. No. 44594. S. No. 35-125 R.)

QUANTITY: 40 100-lb. bags at New York, N.Y.

SHIPPED: 9-23-58, from Holland.

LIBELED: 6-15-60, S. Dist. N.Y.

CHARGE: 402(a)(3)—contained rodent excreta, rodent hairs, insect excreta, and insect parts while held for sale.

DISPOSITION: 7-25-60. Consent—claimed by Reliable Mercantile Co., New York, N.Y. Segregated; 88 lbs. denatured.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

26733. Cernelle Pollen tablets. (F.D.C. No. 42893. S. No. 40-252 P.)

QUANTITY: 210 100-tablet btls. at San Francisco, Calif.

SHIPPED: 8-29-58, from Winter Park, Fla., by Cernelle Pollen Co.

LABEL IN PART: (Btl.) "A Concentrated Food Cernelle Pollen Tablets Imported from Sweden Pure Special Treated Pollen High in Amino Acids, Natural Vitamins and Minerals * * * 1-3 Tablets daily * * * Cernelle Pollen Co. Winter Park, Florida," (btl. top) "Cernelle Pollen Vegeholm Sweden."

ACCOMPANYING LABELING: Circulars entitled "Cernelle Pollen Tablets."

LIBELED: 3-24-59, N. Dist. Calif.

CHARGE: 403(a)—when shipped and while held for sale, the labeling accompanying the article contained false and misleading representations that the article when used as directed was a concentrated food which would supply significant quantities of free amino acids, proteins, natural vitamins, minerals, plant hormones, enzymes, coenzymes, lipides, fats, carbohydrates, other bio-factors not yet identified, and all substances necessary for life; supplied a reserve of energy; contained the secret of old age; consisted of pure pollen;

contained a complete selection of amino acids not found elsewhere; contained all vitamins hitherto known and several unknown, in perfect proportion; and contained concentrated strengthening substances.

The libel charged also that the article was misbranded under the provisions of the law applicable to drugs and devices as reported in notices of judgment on drugs and devices, No. 5990.

DISPOSITION: 5-5-59. Default—destruction.

26734. Energol Germ Oil Concentrate. (F.D.C. No. 43317. S. No. 52-100 P.)

QUANTITY: 5 8-oz. btls. and 50 16-oz. btls. at Minneapolis, Minn.

SHIPPED: Between 12-18-58 and 5-4-59, from York, Pa., by York Barbell Co.

LABEL IN PART: "Hoffman's Energol Germ Oil Concentrate * * * Mfg. by Bob Hoffman, York Barbell Co. York, Pa. * * * a blend of Wheat Germ Oil, Soy Oil, and Rice Germ Oil."

ACCOMPANYING LABELING: Leaflets entitled "Energol Hoffman's Germ Oil Concentrate."

LIBELED: 7-28-59, Dist. Minn.

CHARGE: 403(a)—when shipped and while held for sale, the labeling of the article contained statements which represented and suggested that the article would contribute athletic and body-building ability, and be an invigorator to the user; that it would promote the growth of children; that linoleic acid, choline, inositol, and vitamin E are essential in human nutrition; that the linoleic acid in the article was essential in human nutrition in the formation of nerves, glands, the sex and adrenal hormones, and the corpuscles of the blood, and for muscle and body growth; that the vitamin E was essential in human nutrition for life and sex functioning, including proper ovulation, reproduction, and lactation in the female, and for sexual vigor and ability in the male; that it would give one super-health, strength, muscle, energy, added weight, muscular coordination and endurance; supply the materials needed for all cell construction; act as an "oxygen accelerator"; result in longevity, improvement in morale, and general well-being; give one the feelings, capabilities and appearances of youth; and retain normal sex functions to a late age, which statements were false and misleading since the need for linoleic acid, choline, inositol, and vitamin E in human nutrition has not been established, and the article was not capable of fulfilling the promises of benefit made for it; and 403(j)—the article purported to be and was represented as a food for special dietary uses by reason of its vitamin content and its label failed to bear as required by regulations, a statement that "The need for linoleic acid, choline, inositol, and vitamin E in human nutrition has not been established."

The article was alleged also to be misbranded under the provisions of the law applicable to drugs as reported in notices of judgment on drugs and devices, No. 6059.

DISPOSITION: 11-4-59. Consent—claimed by Pavo Co., Inc., Minneapolis, Minn., and relabeled.

26735. Homicebrin. (F.D.C. No. 41978. S. No. 31-203 P.)

QUANTITY: 23 btls. at Brooklyn, N.Y.

SHIPPED: Prior to May 1958, from outside the State of New York.

LABEL IN PART: (Btl.) "60cm³ Homicebrin M-17 * * * (Vitaminas Homogenizadas)."

LIBELED: 8-14-59, E. Dist. N.Y.

CHARGE: 403(f)—while held for sale, the information required to appear on the label did not appear on the label in such terms as to render it likely to be understood by the ordinary individual under customary conditions of purchase and use since such information was not printed in the English language; and 403(j)—the article purported to be and was represented as a food for special dietary uses by reason of its vitamin content and its label failed to bear as required by regulations, a statement of the proportion of the minimum daily requirements of vitamin A, vitamin B₁, vitamin C, vitamin D, riboflavin, or niacin or niacinamide supplied by a specified quantity of the food when consumed during a period of one day.

The libel alleged also that various drugs were adulterated and misbranded under the provisions of the law applicable to drugs as reported in notices of judgment on drugs and devices, No. 6043.

DISPOSITION: 1-8-60. Default—destruction.

26736. Iodine preparation. (F.D.C. No. 43937. S. No. 77-694 P.)

QUANTITY: 2 5-gal. containers and 1 fluid oz. btl. at Cleveland, Ohio, in possession of Inorganic Bioelements, Inc.

SHIPPED: 3-6-59 and 8-27-59, from Oak Ridge, Tenn., by Martin Anderson Co.

LABEL IN PART: (5-gal. containers) "Amidal An Iodine Preparation Active Ingredients: Edible Proteins consisting of Gelatin, Extract of Algae and Pepsin, and 5% of Iodine in the form of Sodium Compounds, including Sodium Iodide, Sodium Iodate, and Sodium Hypoiodite. Indicated as a source of iodine for nutritional purposes and for the prevention of goiter, in animals. Directions: * * * ½ Fluid Gallon Distributed By Inorganic Bioelements, Inc. * * * Cleveland 10, Ohio"; and (btl.) "Amio 5% Nutritional Iodine Preparation for Human Use * * * Inorganic Bioelements, Inc., Cleveland 10, Ohio Distributor."

ACCOMPANYING LABELING: Literature and leaflets entitled "The Importance of Iodine in the Nutrition of Farm Animals," and "The Importance of Iodine in Nutrition" and a number of loose "Amio" and "Amidal" labels.

RESULTS OF INVESTIGATION: Analysis showed that the article of (5-gal. containers) contained 1.42 percent free iodine and a total iodine content of 5.20 percent, and (btl.) 0.68 percent free iodine and a total iodine content of 5.82 percent. The bottle was repacked and labeled by the dealer from the 5-gal. containers shipped as described above.

LIBELED: 12-4-59, N. Dist. Ohio.

CHARGE: 403(a)—when shipped and while held for sale, the label statement of the article (btl.) "5% Nutritional Iodine" and "One Drop of Amio contains 3.5 milligrams Iodine, equivalent to seven times the minimum daily requirement for adults and children," was false and misleading since the article contained more than 5 percent iodine and 3.5 milligrams iodine will supply 35 times the minimum daily requirement for iodine; and 403(e) (2)—the article (5-gal. container) failed to bear an accurate statement of the quantity of contents since the label statement "½ Fluid Gallon" was inaccurate.

The libel charged also that the article was misbranded under the provisions of the law applicable to drugs and devices as reported in notices of judgment on drugs and devices, No. 6060.

DISPOSITION: 1-18-60. Default—destruction.

26737. Kelp tablets. (F.D.C. No. 43118. S. No. 50-139 P.)

QUANTITY: 15 drums, each containing 64 lbs. in tablet form, 62 1,000-tablet cans, and 7 500-tablet cans, at Kingsport, Tenn., in possession of Thomas D. Pruitt.

SHIPPED: 12-24-58, from Kalamazoo, Mich.

LABEL IN PART: (Drum) "Each tablet contains: Pacific Kelp 5 gr." and (can) "5 grain tablets * * * Pruitt's Pure Pacific Sea Kelp * * * A Pure Natural Food to be used as a supplement to the regular diet, as nutrition only * * * Packed and Distributed by T. D. Pruitt, * * * Kingsport, Tennessee * * * Average usage: 6 tablets three times daily, 18 tablets (90 grains) supplements the regular diet."

ACCOMPANYING LABELING: Leaflets entitled "Are You Starving" and "Food and Your Body."

RESULTS OF INVESTIGATION: The tablets in the cans were repacked and labeled by the dealer from the tablets in the drum shipped as described above.

The leaflets were furnished for promotion purposes by the dealer to customers.

LIBELED: 4-21-59, E. Dist. Tenn.

CHARGE: 403(a)—while held for sale, the labeling of the article contained false and misleading representations that the article, when used according to directions, would furnish in adequate amounts and in proper proportions, all of the minerals, trace elements, and basic materials necessary to life, and for proper nourishment and good health; that the food supplies generally available were nutritionally deficient and inferior in that they lack the minerals, trace elements, and basic materials contained in the article; that all of the minerals, trace elements, and basic materials contained in the article were required in human nutrition and were in greater amounts than in all other foods; that when taken according to directions the article would insure against so-called "hidden hunger," all nutritive deficiencies, and starvation; that if the article was consumed one could then eat as one pleased and there would be less need for food and it would result in proper nutrition; that poor health was caused by a deficiency of the ingredients of the article; and that its mineral content was identical with that found in the human body and in the same ratio.

The libel alleged also that the article was misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 6066.

DISPOSITION: 3-1-60. Consent—claimed by Thomas D. Pruitt, and relabeled.

26738. Lecitabs lecithin tablets. (F.D.C. No. 43326. S. No. 52-096 P.)

QUANTITY: 81 90-tablet btls., 91 180-tablet btls., and 36 540-tablet btls. at Minneapolis, Minn., in possession of Pavo Co.

SHIPPED: Between 2-18-59 and 5-12-59, from Chicago, Ill., by National Lecithin, Inc.

LABEL IN PART: "National Lecitabs Lecithin Tablets A Natural Food Product Highly concentrated, extra-rich, soya Lecithin formula of 95% oil-free Phosphatides. Ingredients: Soya Lecithin, in a base of non-fat, dry milk solids and soy protein. Natural flavoring added. Dist. by: National Lecithin, Inc. 2938 N. Halsted St., Chicago 14, Ill. Indicated as a Dietary Supplement. Na-

tional's Lecithin is a dietary supplement of natural lipotropic factors. This soy-based concentrate is a rich natural source of Lecithin, Cephalin, Choline and Inositol Phosphatides."

ACCOMPANYING LABELING: Leaflets entitled "National's Lecitabs * * * Protect Your Heart" and "New Relief for Arthritis"; display card reading in part "Fatty Blood * * * National's Lecitabs"; and banner reading in part "Fatty Blood Fat Rich Meals."

RESULTS OF INVESTIGATION: The accompanying literature was used for promotion purposes by the dealer.

LIBELED: 7-31-59, Dist. Minn.

CHARGE: 403(a)—when shipped and while held for sale, the labeling of the article contained false and misleading representations that the article contained natural lipotropic factors; was a rich source of lecithin, cephalin, choline, and inositol phosphatides, and that their need in human nutrition has been established; that the article would suspend fatty globules of cholesterol in the blood; absorb, distribute and use fats in the body; protect the liver; and, in assimilation of vitamins A and D, would supply choline necessary for nerve pulse transmission, produce a normal chemical balance between blood fats and blood stabilizing substances, regulate the accumulation, mobilization, and infiltration of fats; would keep arteries flexible and elastic; and build the body by supplying adequate quantities of essential unsaturated fatty acids.

The libel alleged also that the article was misbranded under the provisions of the law applicable to drugs as reported in notices of judgment on drugs and devices, No. 6015.

DISPOSITION: 11-4-59. Consent—claimed by Pavo Co., Inc., and relabeled.

26739. Ree-Vita tablets (vitamins). (F.D.C. No. 43285. S. No. 56-241 P.)

QUANTITY: 3,557 30-tablet vials at Kansas City, Mo., in possession of Dr. Reeves' Products, Inc.

SHIPPED: 6-7-59, from Englewood, N.J., by Zenith Laboratories.

LABEL IN PART: (Vial) "Ree-Vita One Tablet Provides: * * * Distributed by Dr. Reeves' Products, Inc. Kansas City 5, Mo."

ACCOMPANYING LABELING: Letters entitled "Dear Friend."

RESULTS OF INVESTIGATION: The "Dear Friend" letters were printed locally for Dr. Reeves' Products and used for promoting sales of the article.

LIBELED: 6-30-59, W. Dist. Mo.

CHARGE: 403(a)—while held for sale, the labeling accompanying the article contained false and misleading representations that the article contained the lipotropic factors of choline, methionine, and inositol which are necessary in human nutrition for safeguarding one against fat-metabolism troubles; which statements are false and misleading in that the need for choline and inositol in human nutrition has not been established, and in that the need for choline, inositol, and methionine as lipotropic factors in human nutrition has not been established; and 403(j)—when shipped and while held for sale, the labeling contained statements which represented the article for special dietary uses by reason of its vitamin content and its label failed to bear such information concerning its vitamin properties as the Secretary has determined to be and by regulations prescribed as, necessary in order fully to inform purchasers as to its value for such uses, since the need in human nutrition for choline and inositol has not been established, and its label failed to bear the statement

"The need for choline and inositol in human nutrition has not been established," as required by regulations.

The libel alleged also that the article was misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 6013.

DISPOSITION: 7-8-59. Consent—claimed by Dr. Reeves' Products, Inc., and relabeled.

26740. Rybutol gelucaps. (F.D.C. No. 42560. S. Nos. 24-427/8 P.)

QUANTITY: 24 btls. and 12 btls., each containing 250 capsules, at Los Angeles, Calif.

SHIPPED: Between 2-3-58 and 6-13-58, from St. Louis, Mo.

RESULTS OF INVESTIGATION: Examination showed that the 24-btl. lot contained approximately 74 percent of the declared amount of vitamin C, and the 12-btl. lot contained approximately 50 percent of the declared amount of vitamin B₁₂.

LIBELED: 12-31-58, S. Dist. Calif.

CHARGE: 402(b) (1)—while held for sale, the valuable constituents, vitamin C, in the 24-btl. lot, and vitamin B₁₂, in the 12-btl. lot, had been in part omitted or abstracted therefrom; and 403(a)—the label statements (24 btls.) "Each * * * Gelucap Contains:—Vitamin C—30 mg." and (12 btls.) "Each * * * Gelucap Contains:—Vitamin B₁₂—3 mg." were false and misleading.

The libel alleged also that a quantity of Super Rybutol capsules was adulterated and misbranded under the provisions of law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 5876.

DISPOSITION: 1-26-58. Default—destruction.

26741. 7/Eleven Health tablets. (F.D.C. No. 42823. S. No. 36-125 P.)

QUANTITY: 2 metal containers containing about 28,000 tablets at Philadelphia, Pa., in possession of Service Industries.

SHIPPED: 1-15-59, from San Pedro, Calif.

LABEL IN PART: (Metal container) "20,000 Brewers Yeast, Alfalfa & Kelp (Special) Tablets"; (btl. label) "7/Eleven Mineral, Vitamin and Protein Health Tablets Each tablet 8.5 Grain Net Weight * * * Vitamin Components * * * Mgs. Per Tablet Riboflavin 0.0096 Niacin * * * 0.1538 Chloride 1.1100 Carotene * * * 0.0040 Pantothenic Acid * * * 0.0755 Thiamine * * * 0.0232 Pyridoxine * * * 0.0090 Betaine * * * 0.2176 Biotin * * * 0.0002 Inositol 0.9060 Minodione * * * 0.0024 Alpha Tocopherol * * * 0.0532 Xanthophylls * * * 0.0480 Choline * * * 1.1100 * * * Total Vitamin Components * * * 3.7225 Protein (Amino Acids) Components * * * Mgs. Per Tablet Arginine 10.747 Cystine * * * 2.835 Histidine 5.478 Isoleucine 11.884 Lysine 14.914 Leucine 15.200 Methionine 4.686 Phenylalanine 8.732 Threonine 10.280 Tyrosine 9.092 Tryptophane 2.718 Valine 9.328 Glutamic Acid 20.240 Glycine 13.866 * * * Total Protein * * * Components in each 7/Eleven Tablet 140.00 Mineral Components * * * Total Per Tablet Calcium * * * 4.94 Phosphorus * * * 3.58 Iron * * * 0.365 Potassium * * * 7.04 Magnesium * * * 1.93 Manganese * * * 0.94 Iodine * * * 0.37 Sodium * * * 5.80 Chloride * * * 22.12 Sulphur * * * 2.40 * * * Total Mineral Components * * * 49.485 Total U.S.P. Units of all three components for Dietary Supplement=64.175 Directions * * * A Product of Service Industries * * * Philadelphia 34, Pa."

ACCOMPANYING LABELING: Pamphlets entitled "7/Eleven Multiple Mineral, Vitamin and Protein Tablets" and a number of loose bottle labels.

RESULTS OF INVESTIGATION: The tablets in the metal containers were to be packed into bottles labeled as described above. The bottle labels and the pamphlets were prepared and printed by the dealer for use in promoting sales of the tablets.

LIBELED: 2-11-59, E. Dist. Pa.

CHARGE: 403(a)—while held for sale, the labeling of the article, namely, the above-mentioned bottle labels and pamphlets, contained false and misleading representations that the article contained substantially significant amounts of various vitamins, minerals, and proteins; that the total constituents of the article could be measured in terms of units of the U.S. Pharmacopeia; and that the article had nutritional properties which would: prevent and correct all illness and poor health; generate health, pep, energy, virile strength and vigor; prevent deficiency diseases; supply the requirements for basic and essential nutrition; and prevent infection, old age, fatigue and disease; and 403(j)—the article purported to be and was represented as a food for special dietary uses by reason of its vitamin, mineral, and protein content, and its label failed to bear, as required by regulations, a statement of the dietary properties upon which such dietary uses were based.

The libel alleged also that the article was misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 6067.

DISPOSITION: 1-4-60. Default—destruction.

26742. Vitamints. (F.D.C. No. 44670. S. No. 6-314 R.)

QUANTITY: 24 ctns., each containing 11 boxes, containing 31 individually wrapped tablets, at Providence, R.I.

SHIPPED: 1-18-60, from Boston, Mass., by Boston Pharmacal Co.

LABEL IN PART: (Box top) "One Month's Supply of Vitamints the candy flavored multivitamin * * * Boston Pharmacal Co., A Div. of Brady Associates, Inc., Boston, Mass."

RESULTS OF INVESTIGATION: Examination showed that the article contained less than 50 percent of the declared amount of vitamin B₁₂, and approximately 70 percent of the declared amount of vitamin C.

LIBELED: 6-21-60, Dist. R.I.

CHARGE: 402(b)(1)—while held for sale, the valuable constituents, namely, vitamin B₁₂ and vitamin C, had been in part omitted or abstracted from the article; 403(a)—while held for sale, the label statement "Each tablet contains: * * * B-12 (from cobalamin conc.) 2 meg. C Ascorbic Acid 30 mg." was false and misleading; and when shipped, the name "Vitamints" and the label vignette of confectionery were false and misleading, since such name and vignette suggested and implied that the article was confectionery, whereas, the article was not confectionery, and the label statement "Good Health" was false and misleading since such statement suggested and implied that use of the article would develop good health, whereas, the article would not develop good health; and 403(j)—when shipped, the article purported to be and was represented as a food for special dietary uses by reason of its vitamin and mineral content, and its label failed to bear, as required by regulations, the statement "The need for calcium pantothenate, cobalt, molybdenum, man-

ganese, and zinc in human nutrition has not been established" and also a statement of the proportion of the minimum daily requirement for iron or iodine supplied by such food when consumed in a specified quantity during a period of one day.

DISPOSITION: 7-18-60. Default—delivered to a public institution.

26743. Vitamin capsules. (F.D.C. No. 44073. S. No. 80-398 P.)

QUANTITY: 2 15,000-capsule bulk ctns., 20 200-capsule btls., and 10 300-capsule btls. at Hammond, Ind.

SHIPPED: 9-18-59, from Detroit, Mich.

RESULTS OF INVESTIGATION: Examination showed that the article contained approximately 77 percent of the declared amount of vitamin B₁.

The article in the bottles had been repacked at Hammond, Ind., from bulk stock which had been shipped as described above.

LIBELED: 2-29-60, N. Dist. Ind.

CHARGE: 402(b) (1)—while held for sale, the valuable constituent, vitamin B₁, had been in part omitted or abstracted from the article; and 403(a)—the label statement "Thiamine Mononitrate 3 MG" was false and misleading.

DISPOSITION: 5-6-60. Default—destruction.

26744. Vitamin and mineral capsules. (F.D.C. No. 43283. S. No. 63-656 P.)

QUANTITY: 2 ctns. containing 26,500 capsules in bulk, 88 30-capsule unlabeled vials, and 34 30-capsule labeled vials, at Holyoke, Mass., in possession of Vitamin Center.

SHIPPED: The vitamin capsules were shipped in bulk on 3-17-59, from Newark, N.J.

LABEL IN PART: (Ctn.) "Vitamin Center Formula #76"; (vial) "Vitamin Center 30 Capsules FORMULA #76 Vitamin A * * * 12,500 USP Units 312% Vitamin D * * * 1,000 USP Units 250% Vitamin B-1 * * * 5 MGM 500% Vitamin B-2 * * * 25 MGM 208% Vitamin B-6 * * * 0.5 MGM * * * Vitamin B-12 USP 1 MGM * * * Vitamin C * * * 75 MGM 250% Niacinamide USP 40 MGM 400% Calcium Pantothenate 4 MGM * * * Vitamin E * * * 2 I.U. * * * Folic Acid USP 0.5 MGM * * * DiCalcium Phosphate (A) 260 MG Calcium 75 MGM 10% Phosphorus 58 MGM Choline Bitartrate 31.4 MG Inositol 15 MG Di-Methionine 10 MG Ferrous Sulphate USP 102 MG Iron 30 MGM Cobalt Sulphate 0.193 MG Cobalt 0.04 MGM Copper Sulphate 1.257 MG Copper 0.45 MGM Magnesium Sulphate 1.573 MG Manganese 0.5 MGM Sodium Molybdate 0.253 MG Molybdenum 0.1 MGM Potassium Iodide USP 0.099 MG Iodine 0.075 MGM Potassium Sulphate 4.458 MG Potassium 2 MG Zinc Sulphate 1.388 MG Zinc 0.5 MGM Magnesium Sulphate 21.583 MG Magnesium 3 MGM * * * Vitamin Center, Granby, Mass."

ACCOMPANYING LABELING: A guaranty card; leaflets entitled "The Magic Power" and "Yours for Good Health"; form letters on the letterhead of the Vitamin Center plant, Granby, Mass., beginning with the words "Dear Friend: It is gratifying to know," "Dear Friend: If I could have had breakfast with you," "Dear Friend: We appreciate the opportunity"; and a number of loose vial labels.

RESULTS OF INVESTIGATION: The article in the vials was repacked by Vitamin Center from the bulk stock which was shipped as described above. The above-mentioned accompanying labeling was prepared by Vitamin Center.

LIBELED: 6-29-59, Dist. Mass.

CHARGE: 403(a)—while held for sale, the labeling of the article contained representations that the need for choline bitartrate, inositol, manganese sulfate, sodium molybdate, and zinc sulfate in human nutrition has been established; that the article as compared to other foods was nutritionally superior in vitamin and mineral content and included all the nutritional factors of the foods to which it was compared; that the choline and inositol content of the article were geriatric-lipotropic factors required in human nutrition; that the article contained optimum amounts of vitamins and minerals and lipotropic factors; and that the article was unconditionally guaranteed to comply with the United States Food and Drug laws. Such representations were false and misleading since a need for choline bitartrate, inositol, manganese sulfate, sodium molybdate, and zinc sulfate in human nutrition has not been established; the article was not nutritionally superior in vitamin and mineral content to foods recognized as being good sources of vitamins and minerals; the article did not contain optimum amounts of vitamins and minerals and lipotropic factors; it did not contain all the nutritional factors of the foods to which it was compared; and it did not comply with the Federal Food, Drug, and Cosmetic Act.

403(j)—while held for sale, the article purported to be and was represented as a food for special dietary uses by reason of its vitamin and mineral content, and its label failed to bear, as required by regulations, a statement of the proportion of the minimum daily requirement of calcium, phosphorus, iron and iodine supplied by a specified quantity of the article when consumed during a period of one day, and since the need in human nutrition for manganese sulfate, manganese, sodium molybdate, molybdenum, zinc sulfate, and zinc has not been established, its label failed to bear the statement "The need for manganese sulphate, manganese, sodium molybdate, molybdenum, zinc sulphate, and zinc in human nutrition has not been established."

The article was also alleged to be misbranded under the provisions of the law applicable to drugs as reported in notices of judgment on drugs and devices, No. 6020.

DISPOSITION: 9-14-59. Default—delivered to a public institution.

26745. Vitamin drops and vitamin tablets. (F.D.C. No. 44690. S. Nos. 36-338/9 R.)

QUANTITY: 1,372 individually cartoned 15-cc. btls. of vitamin drops and 1,696 individually cartoned 30-tablet btls. of vitamin tablets at Fort Washington, Pa.

SHIPPED: Between November 1959 and June 1960, from Pearl River, N.Y., by Lederle Laboratories Div., American Cyanamid Co.

LABEL IN PART: (Ctn.) "Lederle Incremin Lysine-Vitamin Drops Each cc. (20 drops) contains: 1-Lysine HCl 300 mg. Vitamin B₁₂ 25 mcgm. as present in concentrated extractives from streptomyces fermentation. Thiamine HCl (B₁) 10 mg. Pyridoxine HCl (B₆) 5 mg. Sorbitol 330 mg. Alcohol 0.75% * * * Lederle Laboratories Division, American Cyanamid Company, New York, N.Y." and (btl. and ctn.) "Lederle Incremin Lysine-Vitamin Tablets * * * Each contains: 1-Lysine 300 mg. Vitamin B₁₂ 25 mcgm. as present in concentrated extractives from streptomyces fermentation. Thiamine Mononitrate (B₁) 10 mg. Pyridoxine HCl (B₆) 5 mg. Lederle Laboratories Division, American Cyanamid Company, New York, N.Y."

LIBELED: 6-27-60, E. Dist. Pa.

CHARGE: 403(a)—when shipped, the label statements (drops) “for promotion of growth in infants and stimulation of appetite of children and adults,” and (tablets) “for the stimulation of appetite and growth in children and for the stimulation of appetite in adults” were false and misleading since the articles were not effective for such purposes.

DISPOSITION: 7-27-60. Default—destruction.

26746. Vitamin products. (F.D.C. No. 43554. S. Nos. 65-136/9/P.)

QUANTITY: 5 ctns., each containing 3 120 tablet btl. of Eden Food Supplement, 58 tins of Eden High Protein Wafers, 40 tins of Eden Treat, and 14 16-oz. cartoned btl. of Eden Chlorophyll Solution, at Salt Lake City, Utah.

SHIPPED: Between 5-8-59 and 7-6-59, from Sun Valley, Calif., by Garden of Eden Co.

LABEL IN PART: (Ctn. and btl.) “Eden Food Supplement A high potency Organic or Natural source dietary food supplement * * * The Garden of Eden Company * * * Sun Valley, California 10249”; (tin) “Contents 180 Wafers * * * Eden High Protein Energy Wafers”; (tin) “Eden Treat . . . From the Garden of Nature’s Laboratory * * * Contents: 16 ounces”; and (btl.) “16 Oz. * * * Eden 100% Pure Chlorophyll Solution Each tablespoonful (15 cc) contains 100 milligrams pure chlorophyllins.”

ACCOMPANYING LABELING: Phonograph records, side 1, “Nutritional Forum” and side 2, “Opportunity Knocks”; booklets entitled “Nutritional Forum Text Questions and Answers,” “Opportunity Knocks,” and “Your Guidebook to Better Living”; reprints from “Modern Nutrition June 1958,” and from “Reader’s Digest” entitled “The Vitamins, the Food and Dr. Spies”; leaflets entitled “Why Feel Old?,” “A Report on the Health of the Nation,” “Let Me Put You Into Your Own Fast-growing business,” “Hidden Hunger,” “Eden Food Supplement,” “High Protein Energy Wafers!,” “Eden Chlorophyll Solution,” and “Eden Treat”; and starter kits containing promotional statements.

LIBELED: 9-28-59, Dist. Utah.

CHARGE: 403(a)—when shipped and while held for sale, the labeling which accompanied the articles contained false and misleading representations that the Food Supplement was advantageously derived completely from organic or natural sources; was superior in vitamins and mineral content to the various foods to which it was compared and contained the nutrients of such foods; would prevent and eliminate “hidden hunger”; would build rich, red blood, strong internal organs, steady nerves and good bones, teeth, hair and nails, and promote secretion of hormones; was a miracle of modern science; would produce happy and healthy living; was a perfect balance of nutritional factors; would provide pep and vigor; and would bolster health, energy, and resistance; contained secret ingredients; would add years to one’s life without feeling old; provide all of the essential blood strengthening and tissue nourishing food factors; contained more potent vitamin A than fish liver oil; and would be effective because Americans generally are poorly nourished; that the Protein Energy Wafers would provide high protein; furnish high, quick energy; continuous vigor; satisfy the desire for high caloric foods; burn up excess fat and sustain vitality; renew strength and energy; rebuild wornout and damaged tissues; convert poor dietary proteins into high quality proteins; and that it was comparable to milk, eggs, and meat but exceeded them in quality,

and was richer in all B-vitamins, except inositol, than wheat flour; that the Eden Treat would assure vigorous health and proper growth; and that the Chlorophyll Solution would produce sound health, and result in the best reproduction and growth.

The libel alleged also that the articles were misbranded under the provisions of the law applicable to drugs as reported in notices of judgment on drugs and devices, No. 6021.

DISPOSITION: 2-5-60. Default—5 btls. of the Food Supplement, 5 tins of High Protein Wafers, 5 tins of Eden Treat, and 3 btls. of Chlorophyll were delivered to the Food and Drug Administration. The remainder of the articles were destroyed.

26747. Vitamin tablets. (F.D.C. No. 42315. S. No. 32-176 P.)

QUANTITY: 70 100-tablet btls., at New York, N.Y.

SHIPPED: The article was shipped about two years prior to the filing of the libel from outside the State of New York.

RESULTS OF INVESTIGATION: Examination showed that the article contained less than the declared amounts of vitamin C and vitamin B₁.

LIBELED: 1-2-59, S. Dist. N.Y.

CHARGE: 402(b)(1)—while held for sale, valuable constituents, vitamin B₁ and vitamin C, were in part omitted or abstracted from the article; and 403(a)—the label statement "Two Tablets Daily Contains * * * Vitamin B₁ * * * 3 mg. * * * Vitamin C * * * 40 mg." was false and misleading.

The libel charged also that a number of other articles were adulterated and misbranded under the provisions of the law applicable to drugs as reported in notices on drugs and devices, No. 5865.

DISPOSITION: 1-27-59. Default—destruction.

26748. Vitamin tablets. (F.D.C. No. 44687. S. No. 11-303 R.)

QUANTITY: 70 400-tablet btls. at Chicago, Ill., in possession of Ford Hopkins Co.

SHIPPED: 12-29-59, from Dallas, Tex., by Preston National Drug Co.

LABEL IN PART: (Btl.) "Mighty Midgets Multiple Vitamins * * * Preston-National Drug Co. Dallas Chicago Each coated perle contains: A-Acetate 5000 U.S.P. Units 125%."

RESULTS OF INVESTIGATION: Examination showed that the article contained approximately 72 percent of the declared amount of vitamin A.

LIBELED: 6-23-60, N. Dist. Ill.

CHARGE: 402(b)(1)—while held for sale, the valuable constituent, vitamin A, had been in part omitted or abstracted from the article; 403(a)—the label statement "Each coated perle contains: A-Acetate 5000 U.S.P. Units" was false and misleading; and when shipped, the label statement "Multiple Vitamins" was false and misleading, since the article contained minerals in addition to vitamins.

DISPOSITION: 7-21-60. Default—destruction.

26749. Vitamin tablets. (F.D.C. No. 44691. S. No. 15-377 R.)

QUANTITY: 2 25,000-tablet drums at Evansville, Ind., in possession of Elliott Laboratories, Inc.

SHIPPED: 7-24-58, from Philadelphia, Pa., by Jan Laboratories, Inc.

LABEL IN PART: (Drum) "Special Formula CF 85546 Lot No. 36509 * * * 50 mgm. Ascorbic acid 0.1 mgm. pyridoxine HCl. 5000 Units Vitamin A Acetate 1000 Units Vitamin D Calciferol 1.0 mgm. Thiamine HCl 10.0 mcgm. Vitamin B-12 USP. Jan Laboratories, Philadelphia 39, Penna."

RESULTS OF INVESTIGATION: Examination showed that the article contained approximately 50 percent of the declared amount of vitamin B₁₂.

LIBELED: On or about 7-15-60, S. Dist. Ind.

CHARGE: 402(b)(1)—while held for sale, the valuable constituent, vitamin B₁₂, had been in part omitted or abstracted from the article; 403(a)—the label statement "10.0 mcgm. Vitamin B-12 USP" was false and misleading; and 403(j)—when shipped, the article purported to be and was represented as a food for special dietary use by reason of its vitamin content and its label failed to bear, as required by regulations, a statement of the proportion of the minimum daily requirement for vitamins A, B₁, C, and D, supplied by the article when consumed in a specified quantity during a period of one day.

DISPOSITION: 8-24-60. Default—destruction.

MISCELLANEOUS FOODS

26750. Tato-Dip Anti-Oxidant. (F.D.C. No. 44236. S. No. 71-274 P.)

QUANTITY: 7 cases, 12 labeled jars each, and 1 case, containing 12 unlabeled jars, at Lexington, Ky.

SHIPPED: 5-11-59, from Kingsport, Tenn., by Bond Co.

LABEL IN PART: (Case) "From The Bond Company, P.O. Box 486 Kingsport, Tennessee For No. 6002 Kentucky Chemical & Supply Co. * * * 1 Dozen 16 Oz. Jars" and (jars) "Tato-Dip Anti-Oxidant Fortified with (Butylated Hydroxyanisole) Net Weight: One Pound Keeps Peeled Potatoes White!"

RESULTS OF INVESTIGATION: Examination showed that all jars of the article had been shipped unlabeled; that the article contained sulfites and ascorbic acid but did not contain butylated hydroxyanisole; and that the article was short weight.

LIBELED: 2-12-60, E. Dist. Ky.

CHARGE: Labeled jars, 403(a)—while held for sale, the label statements "Fortified with (Butylated Hydroxyanisole)" and "Life of oils is also extended through the synergistic action of Butylated Hydroxyanisoles * * *" was false and misleading since the article did not contain butylated hydroxyanisole; 403(e)(2)—the article failed to bear a label containing an accurate statement of the quantity of the contents; and 403(i)(2)—its label failed to bear the common or usual name of each ingredient since its label did not disclose that the article contained sulfites.

Unlabeled jars, 403(e)—when shipped, the article failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor; and (2) an accurate statement of the quantity of the contents.

DISPOSITION: 3-21-60. Default—destruction.

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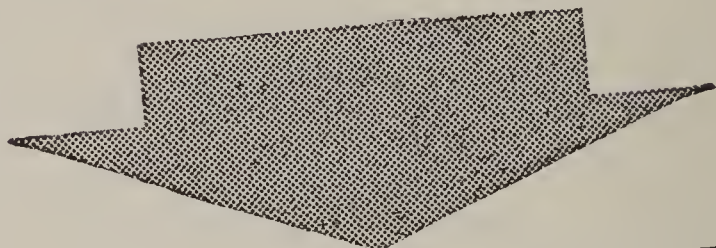
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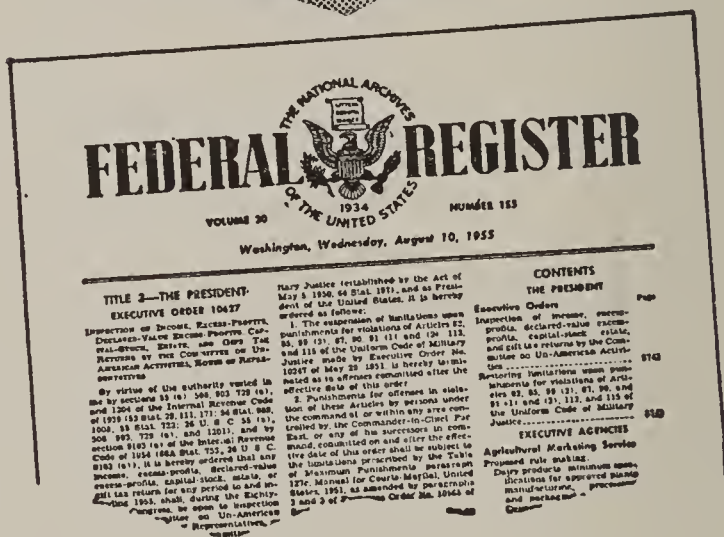
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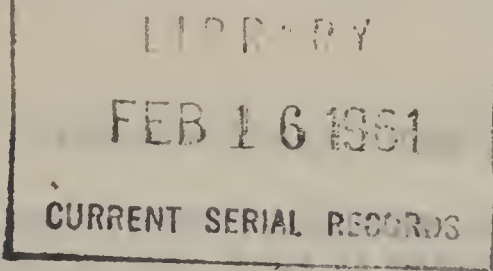


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732N



F.N.J., F.D.C. 26751-26800

Issued January 1961

U.S. Department of Health, Education, and Welfare

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

26751-26800

FOODS

The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were adulterated or misbranded within the meaning of the Act when introduced into and while in interstate commerce, or while held for sale after shipment in interstate commerce. These cases involve (1) seizure proceedings in which decrees of condemnation were entered by default, or by consent; and (2) criminal proceedings which were terminated upon pleas of guilty or nolo contendere, or upon a judgment of guilty after trial. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal proceedings are against the *firms* or *individuals* charged to be responsible for violations.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D.C., *January 13, 1961.*

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SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS
REPORTED IN F.N.J. NOS. 26751-26800

Adulteration, Section 402(a)(1), the article contained an added deleterious substance which may have rendered it injurious to health; Section 402(a)(2), the article, in one case, was a raw agricultural commodity and contained a pesticide chemical which was unsafe within the meaning of Section 408(a); Section 402(a)(3), the article consisted in part of a filthy or decomposed substance, or it was otherwise unfit for food; Section 402(a)(4), the article had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth; 402(b)(1), a valuable constituent had been in whole or in part omitted from the article; Section 402(b)(2), a substance had been substituted in whole or in part for the article; Section 408(a), a poisonous or deleterious pesticide chemical had been added to a raw agricultural commodity and no tolerance or exemption from the requirement of a tolerance had been prescribed by the Secretary of Health, Education, and Welfare.

Misbranding, Section 403(a), the labeling of the article was false and misleading; Section 403(b), the article was offered for sale under the name of another food; Section 403(e), the article was in package form, and it failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the quantity of contents in terms of weight, measure, or numerical count; Section 403(f), a word, statement, or other information required by or under authority of the Act to appear on the label was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use; Section 403(g), the article purported to be or was represented as a food for which a definition and standard of identity had been prescribed by regulations and (1) it failed to conform to such definition and standard, and (2) its label failed to bear the name of the food specified in the definition and standard; Section 403(h)(2), the article purported to be and was represented as a food for which a standard of fill of container had been prescribed by regulations and it fell below such standard and its label failed to bear a statement that it fell below such standard; Section 403(i), the article was not subject to the provisions of Section 403(g) and (1) its label failed to bear the common or usual name of the food, and (2) it was fabricated from two or more ingredients and its label failed to bear the common name of each such ingredient; Section 403(j), the article purported to be and was represented for special dietary uses, and its label failed to bear such information concerning its vitamin, mineral, and other dietary properties as the Secretary has determined to be, and by regulation prescribed as, necessary in order fully to inform purchasers as to its value for such uses.

CEREALS AND CEREAL PRODUCTS

FLOUR

26751. Flour. (F.D.C. No. 44785. S. No. 38-955 R.)

QUANTITY: 87 25-lb. bags at West Helena, Ark.

SHIPPED: 5-12-60 and 6-3-60, from Yukon, Okla.

LIBELED: 8-30-60, E. Dist. Ark.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 9-21-60. Default—delivered to a public institution for use as animal feed.

26752. Flour. (F.D.C. No. 44533. S. Nos. 2-166/7 R.)

QUANTITY: 32 25-lb. bags and 11 25-lb. bags at Rock Hill, S.C.

SHIPPED: 3-16-60, from Lincolnton, N.C., by Banner Roller Mills, Inc.

LABEL IN PART: (Bag) "White Satin Flour * * * Enriched with Vitamins and Iron * * * Banner Roller Mills, Inc., Lincolnton, N.C."

LIBELED: 4-29-60, W. Dist. S.C.

CHARGE: 402(a)(3)—11-bag lot contained insects, all lots contained insect parts; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 5-26-60. Consent—destruction.

26753. Flour. (F.D.C. No. 44730. S. No. 35-426 R.)

QUANTITY: 97 100-lb. bags at Bronx, N.Y., in possession of Diamond Baking Co., Inc.

SHIPPED: 5-27-60, from Indianapolis, Ind.

LIBELED: 7-25-60, S. Dist. N.Y.

CHARGE: 402(a)(3)—contained animal urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 9-14-60. Consent—claimed by Diamond Baking Co., Inc. Segregated; 57 100-lb. bags denatured.

26754. Flour, chocolate-covered peanuts, chocolate-covered raisins, spaghetti, bran cereal, whole wheat cereal, oat cereal, sugar-coated cereal.
(F.D.C. No. 42188. S. Nos. 37-021 P, 37-023/32 P.)

QUANTITY: 48 50-lb. bags, 110 25-lb. bags, 7 bales, 2 25-lb. bags each, and 12 bales, 10 2-lb. bags each, of flour; 38 ctns., 24 1-oz. pkgs. each, of chocolate-covered peanuts; 15 ctns., 24 1-oz. pkgs. each, of chocolate-covered raisins; 11 cases, 24 7-oz. pkgs. each, of spaghetti; 8 cases, 12 10-oz. pkgs. each, of bran cereal; 8 cases, 12 1-oz. pkgs. each, of whole wheat cereal; 15 cases, 12 1-oz. pkgs. each, of oat cereal; and 5 cases, 24 10-oz. pkgs. each, of sugar-coated cereal, at Memphis, Tenn., in possession of Clayton-Brown Co., Inc.

SHIPPED: Between 12-8-57 and 8-9-58, from Mt. Vernon, and Chicago, Ill., Reading, Pa., St. Joseph, Mo., and Niagara Falls, N.Y.

LIBELED: 9-12-58, W. Dist. Tenn.

CHARGE: 402(a)(3)—110-bag lot of flour contained rodent urine, all other lots contained insects; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 10-27-58. Default—delivered to a public institution for use as animal feed.

MACARONI AND NOODLE PRODUCTS

26755. Egg pastina, carrot pastina, spinach pastina, mezzani macaroni, linguini, spaghetti, and vegetable egg noodles. (F.D.C. No. 44563. S. Nos. 32-991/7 R.)

QUANTITY: 99 cases, 24 6-oz. boxes each, of egg pastina; 40 cases, 12 6-oz. boxes each, of carrot pastina; 32 cases, 12 6-oz. boxes each, of spinach pastina; 4 cases, 12 16-oz. bags each, of mezzani macaroni; 5 cases, 12 16-oz. bags each, of linguini; 5 cases, 12 16-oz. bags each, of spaghetti; and 64 cases, 12 12-oz. boxes each, of vegetable egg noodles; at Brooklyn, N.Y.

SHIPPED: Between 1-27-60 and 3-22-60, from Lowell, Mass., by Prince Macaroni Mfg. Co.

LABEL IN PART: (Box) "Prince Egg Pastina for Baby * * * Enriched! Two ounces of this product when cooked supplies not less than the following minimum daily requirement: B₁ (Thiamine) 50%; Vitamin B₂ (Riboflavin) 10.5%; Iron 16.2% and 3.0 mgs. of Niacin"; (box) "Prince Carrot Pastina for Baby * * * Enriched! Four ounces of this product when cooked supplies not less than the following proportions of the minimum adult daily requirements of these essential food substances: B₁ (Thiamine) 50%; Vitamin B₂ (Riboflavin) 25%; Iron 32%; Niacin 40%"; (box) "Prince Spinach Pastina for Baby * * * Enriched! Two ounces of this product when cooked supplies not less than the following minimum daily requirements: B₁ (Thiamine) 50%; Vitamin B₂ (Riboflavin) 17.5%; Iron 16.2% and 34.0% mgs. of Niacin"; (bag) "Prince * * * Now! Vitamin Enriched Wheat Germ Added Veta-Roni Low in Calories * * * Mezzani Macaroni [or "Linguini" or "Spaghetti"]"; and (box) "Prince * * * Equivalent to 37% fresh vegetables Vegetable Egg Noodles * * * Enriched: Four ounces of this product when cooked supplies not less than * * * You'll love being slim! * * * Prince Vegetable Egg Noodles contain the concentrate of fresh vegetables—defatted wheat germ, protein-rich egg yolks and enriched protein flour."

LIBELED: 5-16-60, E. Dist. N.Y.

CHARGE: Egg pastina, carrot pastina, and spinach pastina, 403(g)—when shipped, the articles purported to be and were represented as (egg pastina) an enriched noodle product and (carrot pastina and spinach pastina) vegetable macaroni products, foods for which definitions and standards of identity have been prescribed, and the carrot pastina and spinach pastina failed to conform to the definitions and standards since enrichment and wheat germ had been added to such articles, and the labels of the egg pastina, carrot pastina, and spinach pastina failed to bear the name of such foods as specified in the definitions and standards; and 403(j)—the articles purported to be and were represented as foods for special dietary uses by reason of their vitamin and mineral content and their labels failed to bear, as required by regulations, a statement of the proportion of the minimum daily requirement for infants for vitamin B₁, vitamin B₂, niacin or niacinamide, and iron, and the specific plant name which was the source of the "special enriched flour" in the articles.

Mezzani, linguini, and spaghetti, 403(a)—when shipped, the label statement "Low in Calories" was false and misleading since the articles were not low in calories; 403(g)—the articles purported to be and were represented as enriched macaroni products, foods for which definitions and standards of identity have been prescribed, and they failed to conform to such definitions and standards since they contained soya flour and their labels failed to bear the names of the foods specified in the definitions and standards; and 403(j)—the articles purported to be and were represented for special dietary uses by reason of their vitamin and mineral properties and caloric content, and their labels failed to bear, as required by regulations, a statement of the proportion of the minimum daily requirement for vitamin B₁, riboflavin, niacin or niacinamide, and iron supplied by the articles when consumed in a specified quantity during a period of one day, and a statement of the percent by weight of protein, fat, and available carbohydrates in the articles and the number of available calories supplied by a specified quantity of the articles.

Vegetable egg noodles, 403(a)—when shipped, the label statements “Equivalent to 37% fresh vegetables” and “contain the concentrate of fresh vegetables” were false and misleading since the article contained dehydrated vegetables; and the label statement “You’ll love being slim” and the vignette of a slim woman were false and misleading as applied to a product which was not capable of causing weight reduction or for maintaining slimness; 403(f)—the net weight statement, statement of ingredients, and information pertaining to the special dietary properties of the article required by the regulations to appear on the label were not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase and use; and 403(g)—the article purported to be and was represented as vegetable egg noodles, a food for which a definition and standard of identity has been prescribed and it failed to conform to such definition and standard in that enrichment and wheat germ had been added to the article and in that its label failed to bear the name of the food specified in the definition and standard.

DISPOSITION: 6-27-60. Default—delivered to a Federal institution for consumption by the inmates.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS*

26756. Barley, unpopped popcorn, piecrust mix, hot roll mix, corn muffin mix, egg noodles, and macaroni. (F.D.C. No. 42433. S. Nos. 7-063 P, 8-016/20 P, 8-161 P.)

INFORMATION FILED: 3-11-59, Dist. Conn., against New London Paper & Supply Co., Inc., New London, Conn., and Nathan N. Rosen, secretary and general manager of the corporation.

ALLEGED VIOLATION: (Counts 1 to 6 of the information.) On 9-11-58 and 9-12-58, the defendants caused quantities of barley, popcorn, piecrust mix, hot roll mix, corn muffin mix, and egg noodles, while held for sale after shipment in interstate commerce, to be held in a building accessible to insects and to be exposed to contamination by insects, which acts resulted in the articles being adulterated; and (count 7) on 9-25-58, the defendants caused to be introduced into interstate commerce at New London, Conn., for delivery to Westerly, R.I., a quantity of macaroni which was adulterated.

CHARGE: 402(a)(3)—the articles contained insects; and 402(a)(4)—the articles had been held under insanitary conditions.

PLEA: Not guilty.

DISPOSITION: The case came on for trial before the court without a jury. At the conclusion of the testimony, the case was taken under advisement by the court and on 6-4-59, the court found the defendants not guilty on counts 5 and 6 relating to the corn muffin mix and egg noodles, and guilty on the other counts of the information, and in connection therewith it handed down the following findings of fact and memorandum of decision:

*See also No. 26754.

SMITH, *District Judge*:

FINDINGS OF FACT

"1. Defendants, at all times mentioned herein, operated a wholesale food and grocery warehouse at New London in the District of Connecticut.

"2. On or about March 21, 1958 defendants received at the warehouse a number of packages of barley, a food which had been shipped in interstate commerce.

"3. Thereafter and prior to September 12, 1958 while said food was being held for sale after shipment in interstate commerce the food was caused by defendants to be held in the warehouse on the third floor near insect-infested food packages as a result of which said food became adulterated by the presence therein of insects, saw-toothed grain beetles.

"4. On or about May 1, 1958 to June 30, 1958 defendants received at the warehouse a number of bags of pie crust mix, a food which had been shipped in interstate commerce.

"5. Thereafter and prior to September 12, 1958 while said food was being held for sale after shipment in interstate commerce the food was caused by defendants to be held in the warehouse on the third floor near insect-infested food packages as a result of which said food became adulterated by the presence therein of insects, saw-toothed grain beetles.

"6. On or about May 1, 1958 to July 5, 1958 defendants received at the warehouse a number of bags of hot roll mix, a food which had been shipped in interstate commerce.

"7. Thereafter and prior to September 12, 1958, while said food was being held for sale after shipment in interstate commerce, the food was caused by defendants to be held in the warehouse on the third floor near insect-infested food packages as a result of which said food became adulterated by the presence therein of insects, saw-toothed grain beetles.

"8. On or about May 16, 1958 and July 16, 1958 defendants received at the warehouse a number of bags of popcorn, a food which had been shipped in interstate commerce.

"9. Thereafter and prior to September 11, 1958 while said food was being held for sale after shipment in interstate commerce, the food was caused by defendants to be held in the warehouse on the first floor near insect-infested food packages as a result of which said food became adulterated by the presence therein of insects, saw-toothed grain beetles.

"10. On or about August 21, 1958 defendants received at the warehouse a number of packages of Ronzoni macaroni, a food which had been shipped in interstate commerce.

"11. While in defendants' warehouse, a carton of 1 lb. packages of Ronzoni #115 macaroni, from the shipment referred to in Para. 10, became contaminated by the presence of saw-toothed grain beetles.

"12. Thereafter, on or about September 25, 1958, defendants shipped the carton of Ronzoni #115 referred to in Paras. 10 and 11 to Charles Ligouri at the Hobart Street Market, Westerly, Rhode Island, while so contaminated.

"The court finds the defendants New London Paper and Supply Co. Inc. and Nathan Rosen guilty as charged in counts 1, 2, 3, 4 and 7 of the information, not guilty on counts 5 and 6 thereof.

DISCUSSION

"Contamination at the warehouse was established beyond a reasonable doubt as to counts 1, 2, 3, 4 and 7, by the dates of receipt, the stage of development of the infestation, and the expert opinion of the source and time of the contamination. On counts 5 and 6 infestation at the warehouse was not shown with sufficient certainty in view of the expert testimony on cross examination that the infestation in the packages may have existed a sufficient length of time to antedate the delivery to the warehouse. On count 7, infestation prior to shipment in interstate commerce by defendants is shown.

"Defendants argue that the defense of good faith is a bar to conviction here. However, this defense is not available for the first 6 counts. Even if it were, the notice of insect infestation at the July 29-30 inspection would make its application here doubtful. So far as the 7th count is concerned, the

notice of September 12, 1958, following that of July 30, negates the good faith defense.

"The pertinent section of the statutes are as follows: *Federal Food, Drug, and Cosmetic Act*.

Section 201, 21 U.S.C. 321. For the purpose of this Act—

(f) The term 'food' means (1) articles used for food or drink for man or other animals, * * * (3) articles used for components of any such article.

Section 301, 21 U.S.C. 331. The following acts and the causing thereof are hereby prohibited:

(k) * * * the doing of any * * * act with respect to, a food * * *, if such act is done while such article is held for sale (whether or not the first sale) after shipment in interstate commerce and results in such article being adulterated * * *.

Section 303, 21 U.S.C. 333.

(a) Any person who violates any of the provisions of section 301 shall be guilty of a misdemeanor and shall on conviction thereof be subject to imprisonment for not more than one year, or a fine of not more than \$1,000, or both such imprisonment and fine; * * *.

Section 305, 21 U.S.C. 335.

Before any violation of this chapter is reported by the Secretary to any United States Attorney for institution of a criminal proceeding, the person against whom such proceeding is contemplated shall be given appropriate notice and an opportunity to present his views, either orally or in writing, with regard to such contemplated proceeding.

Section 402, 21 U.S.C. 342. A food shall be deemed to be adulterated—

(a) * * *

(3) If it consists in whole or in part of any filthy, putrid, or decomposed substance; or (4) if it has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth * * *.

Section 704, 21 U.S.C. 374.

(a) For purposes of enforcement of this chapter, officers or employees duly designated by the Secretary, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, are authorized (1) to enter, at reasonable times, any factory, warehouse, or establishment in which food, drugs, devices, or cosmetics are manufactured, processed, packed, or held, for introduction into interstate commerce or are held after such introduction, or to enter any vehicle being used to transport or hold such food, drugs, devices, or cosmetics in interstate commerce; and (2) to inspect, at reasonable times and within reasonable limits and in a reasonable manner, such factory warehouse, establishment, or vehicle and all pertinent equipment, finished and unfinished materials, containers, and labeling therein, * * *.

(b) Upon completion of any such inspection of a factory, warehouse, or other establishment, and prior to leaving the premises, the officer or employee making the inspection shall give to the owner, operator, or agent in charge a report in writing setting forth any conditions or practices observed by him which, in his judgment, indicate that any food, drug, device, or cosmetic in such establishment (1) consists in whole or in part of any filthy, putrid, or decomposed substance, or (2) has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health. A copy of such report shall be sent promptly to the Secretary.

(c) If the officer or employee making any such inspection of a factory, warehouse, or other establishment has obtained any sample in the course of the inspection, upon completion of the inspection and prior to leaving the premises he shall give to the owner, operator, or agent in charge a receipt describing the samples obtained.

(d) Whenever in the course of any such inspection of a factory or other establishment where food is manufactured, processed, or packed the officer or employee making the inspection obtains a sample of any such food, and an analysis is made of such sample for the purpose of ascertaining whether such food consists in whole or in part of any filthy, putrid, or

decomposed substance, or is otherwise unit for food, a copy of the results of such analysis shall be furnished promptly to the owner, operator, or agent in charge.

"Notice under 21 U.S.C. 335 is not a prerequisite for prosecution. U.S. *Dotterweich*, 320 U.S. 277 (1943). Nor need copies of analyses be furnished under 21 U.S.C. 374(d). This provision applies only to those who manufacture, process, or pack, undoubtedly so that allegedly faulty formulae and procedures may be checked and analyzed by the manufacturer, processor or packer.

"Defendants' principal contention is that the 'Act' proscribed by the statute involves something more affirmative than a mere holding in a place where without the knowledge of defendants insects exist.

"The legislative history cited by the government, House Report 807, 80th Congress, 1st Session, indicates that holding food where it might become contaminated was contemplated by the framers of the act as an offense. In an effort to protect the public health, the warehouseman is required at his peril to see that foodstuffs moving in interstate commerce or held for sale after such movement are not exposed to contamination. Here more effective inspection, fumigation or rotation of food products susceptible to insect contamination is called for by the conditions revealed by this case.

"A finding of guilty as to both defendants may be entered on counts 1, 2, 3, 4 and 7. The case may be continued for sentence on completion of the presentence report as to the individual defendant."

On 7-27-59, the court fined each defendant \$200.

26757. Malting barley. (F.D.C. No. 44058. S. No. 96-426 P.)

QUANTITY: 61,495 lbs. at Jefferson Junction, Wis.

SHIPPED: 12-21-59, from Glenfield, N. Dak., by Peavey Elevators.

LIBELED: 2-10-60, W. Dist. Wis.

CHARGE: 402(a)(2)—when shipped, the article was a raw agricultural commodity and contained a pesticide chemical, namely, a mercurial compound, which is unsafe within the meaning of 408 since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on barley has been prescribed by regulations.

DISPOSITION: 3-23-60. Consent—claimed by F. H. Peavey & Co., Minneapolis, Minn. The product was denatured for use as seed.

26758. Rice and pinto beans. (F.D.C. No. 43078. S. Nos. 5-204/7 P, 5-209 P.)

INFORMATION FILED: 6-16-59, E. Dist. N.C. against John B. Singletary, president of G. V. Singletary & Sons, a corporation, Whiteville, N.C., and James Howard Singletary, secretary-treasurer.

ALLEGED VIOLATION: Between 10-6-58 and 12-3-58, while quantities of rice and pinto beans were being held for sale after shipment in interstate commerce, the defendants caused the articles to be held in a building that was accessible to rodents and to be exposed to contamination by rodents, which acts resulted in the articles being adulterated.

CHARGE: 402(a)(3)—the rice contained rodent urine, rodent excreta, and rodent hairs; and 402(a)(4)—the rice and pinto beans were held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 7-28-60. Each defendant fined \$500.

26759. Wheat. (F.D.C. No. 44518. S. No. 27-323 R.)

QUANTITY: 48,700 lbs. at New Prague, Minn.

SHIPPED: 7-5-60, from Strasburg, N. Dak., by Farmers Elevator Co.

LIBELED: 7-12-60, Dist. Minn.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 7-15-60. Consent—claimed by Farmers Elevator Co., and denatured for use as animal feed.

26760. Wheat (2 seizure actions). (F.D.C. Nos. 44513, 44522. S. Nos. 29-150 R, 29-833 R.)

QUANTITY: 68,400 lbs. at Minneapolis, Minn.

SHIPPED: 6-29-60 and 6-30-60, from Voltaire, N. Dak., by Voltaire Farmers Elevator Co.

LIBELED: 7-6-60 and 7-13-60, Dist. Minn.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 7-12-60 and 7-15-60. Consent—claimed by Voltaire Farmers Elevator Co., and denatured for use as animal feed.

CHOCOLATE, CONFECTIONERY, AND SUGAR

CHOCOLATE PRODUCT

26761. Chocolate dip coating. (F.D.C. No. 44473. S. No. 38-789 R.)

QUANTITY: 143 cases, 6 6-lb. 14-oz. cans each, at Granite City, Ill.

SHIPPED: 2-16-60 and 3-23-60, from Minneapolis Minn., by Food Producers, Inc.

LABEL IN PART: (Can) "Chocolate Dip Coating * * * Contains: * * * Dutch Process Cocoa * * * Glenwood Inn Foods, Minneapolis 4, Minn."

LIBELED: 5-31-60, S. Dist. Ill.

CHARGE: 402(b)(1)—when shipped, a valuable constituent, chocolate, had been in whole or in part omitted from the article; 403(a)—the label statement "Chocolate Dip Coating" was false and misleading; and 403(g)(1)—the article purported to be and was represented as chocolate coating, and it failed to conform to the standard of identity for such food.

DISPOSITION: 6-23-60. Consent—claimed by Food Producers, Inc., and relabeled.

CONFECTIONERY *

26762. Peanut brittle. (F.D.C. No. 43997. S. No. 71-309 P.)

QUANTITY: 70 cases, 24 boxes each, at Evansville, Ind.

SHIPPED: 9-28-59, from Chicago, Ill., by Forrest Baking Corp.

LABEL IN PART: (Box) "Foodmaster's Peanut Brittle * * * One Full Pound Net Weight * * * Foodmaster Specialties, Inc., New York, N.Y."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 1-5-60, S. Dist. Ind.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 7-1-60. Default—destruction.

*See also No. 26754.

SUGAR

26763. Sugar. (F.D.C. No. 44554. S. No. 3-799 R.)

QUANTITY: 10,000 100-lb. bags at Baltimore, Md., in possession of Pennsylvania Railroad.

SHIPPED: 8-4-59, from Cuba.

LIBELED: 5-3-60, Dist. Md.

CHARGE: 402(a)(3)—contained rodent urine and rodent excreta pellets; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 5-11-60. Consent—claimed by Lombard & Co., New York, N.Y. Segregated; 1,980 100-lb. bags re-refined.

DAIRY PRODUCTS

BUTTER

26764. Butter. (F.D.C. No. 43742. S. Nos. 11-845/6 R, 12-711/3 R.)

QUANTITY: 301 64-lb. cubes at Chicago, Ill.

SHIPPED: 7-9-60 and 7-23-60, from Odebolt, Iowa, by Langle's Dairy.

LIBELED: 8-3-60, N. Dist. Ill.

CHARGE: 402(b)(2)—when shipped, a product containing less than 80 per cent by weight of milk fat had been substituted for butter.

DISPOSITION: 8-15-60. Consent—claimed by Berkshire Foods, Inc., Chicago, Ill., and reworked.

MILK

26765. Nonfat dry milk solids. (F.D.C. No. 44671. S. No. 6-910 R.)

QUANTITY: 78 50-lb. bags of nonfat dry milk solids, and 2 unlabeled 50-lb. drums of the article which had been taken from bags broken in transit, at Boston, Mass.

SHIPPED: 4-25-60, from Jersey City, N.J.

LABEL IN PART: (Bag) "Non-Fat-Dry-Milk Solids (S.C.) * * * Distributed by Packers' Lab. Inc. Boston, Mass."

RESULTS OF INVESTIGATION: The article was shipped to Boston, Mass., as described above in bags labeled in part "Sodium Caseinate," and after its arrival was sold to Packers' Laboratory, Inc., South Boston, Mass., who then relabeled and resold the article.

LIBELED: 6-20-60, Dist. Mass.

CHARGE: 402(b)(2)—while held for sale, another substance had been substituted in whole or in part for nonfat dry milk solids; and 403(a)—the name "Non-Fat-Dry-Milk Solids" was false and misleading as applied to a product which was not nonfat dry milk solids.

DISPOSITION: 7-21-60. Consent—claimed by Boston Sausage & Provision Co., Boston, Mass., and relabeled.

EGGS

26766. Incubator reject eggs. (F.D.C. No. 40462. S. No. 68-664 M.)

INFORMATION FILED: 3-17-58, Dist. N.J., against Harry Cohen t/a Commonwealth Oil Associates, Goshen, N.Y., and Carlstadt, N.J., and Richard Cozze.

SHIPPED: 6-6-57, from Maine to New Jersey.

CHARGE: 402(a)(3)—when shipped, contained decomposed eggs and was otherwise unfit for food because the eggs consisted in part of embryos in various stages of development.

PLEA: Guilty.

DISPOSITION: 1-16-59. Cohen—fine of \$1,000 and a 1-year suspended jail sentence with probation for 5 years. 2-13-59. Cozze—fine of \$500 and probation for 5 years.

On July 2, 1959, an application was filed for revocation of probation imposed against Harry Cohen. It was alleged in the petition that in connection with the establishment and operation of an egg-breaking, packing and freezing plant under the name of the Raymond Packing Co., at the Arthur Vinton farm, Brittany Hills, Station Road, Rock Tavern, N.Y., Harry Cohen had done the following acts:

(a) On or about January 20, 1959, Harry Cohen gave to Lena J. Margiotte, 140 Third Street, Newburgh, N.Y., a cashier's check for \$1,500 in payment of the rent for the property which was located on the Arthur Vinton farm, Brittany Hills, Station Road, Rock Tavern, N.Y., and occupied by the Raymond Packing Co.

(b) On or about February 18, 1959, Harry Cohen gave to said Lena J. Margiotte an additional cashier's check for \$1,500 in payment of the rent for the property on the Arthur Vinton farm which was occupied by the Raymond Packing Co.

(c) Within the period from on or about January 16, 1959, to on or about March 5, 1959, Harry Cohen, trading as Commonwealth Oil Associates, caused incubator reject shell eggs to be purchased from various hatcheries in the State of Connecticut.

(d) Within the period from on or about January 16, 1959, to on or about March 5, 1959, Harry Cohen, trading as Commonwealth Oil Associates, caused to be shipped in interstate commerce, from the State of Connecticut to the State of New York, incubator reject shell eggs which were adulterated within the meaning of 21 U.S.C. 342(a)(3) in that they consisted in part of a decomposed substance, and were otherwise unfit for food.

(f) On or about February 14, 1959, Harry Cohen personally asked Glenn Graham, R.D. #2, Box 345, Newburgh, N.Y., to haul egg shells for him.

(g) On or about February 17, 1959, Harry Cohen appeared at the office of the Coleman Gas Service, Rt. 94, Washingtonville, N.Y., and informed Lillian Coleman that a business was being started at the Vinton farm, and that he wanted some second-hand gas heaters and bottled gas.

(h) On or about February 17, 1959, Harry Cohen discussed his need for bottled gas and gas heaters with Ernest Coleman, the owner of the Coleman Gas Service, and said that he would meet Ernest Coleman at 3 p.m. that day at his (Cohen's) place of business at the Vinton Farm, Brittany Hills, Station Road, Rock Tavern, N.Y.

(i) On or about February 17, 1959, Harry Cohen called the telephone company from the office of the Coleman Gas Service and asked to have telephone service installed at the Raymond Packing Co. plant.

(j) On or about February 21, 1959, Harry Cohen called Glenn Graham to come to Brittany Hills and pick up a load of egg shells.

(k) On or about February 27, 1959, Harry Cohen paid the freight charges for a shipment of empty 30-lb. size cans in car No. C017767, consigned by Modern Egg Products Co., Nashville, Tenn., to the Raymond Packing Co.

(l) Harry Cohen came to the Raymond Packing Co. plant on the Vinton

Farm almost every day within the period from on or about February 12, 1959, to on or about March 17, 1959.

(o) On or about February 27, 1959, Harry Cohen paid to Hilda Compton, Brittany Hills, N.Y., the sum of \$110 for electricity used at the Raymond Packing Co. plant.

(p) Within the period from on or about February 16, 1959, to on or about March 17, 1959, Harry Cohen telephoned the Highland Telephone Co., Monroe, N.Y., and guaranteed payment of the bills for telephone service furnished to the Raymond Packing Co.

On 9-2-59, Harry Cohen pled guilty to the commission of the above-mentioned acts and on 11-9-59, the court ordered that Harry Cohen serve 3 months of the 1-year jail sentence originally suspended, that the balance of the 1-year jail sentence, namely 9 months, be suspended and that he be continued on probation following the expiration of his 3 months imprisonment.

26767. Frozen eggs. (F.D.C. No. 44764. S. No. 25-967 R.)

QUANTITY: 242 30-lb. cans at Los Angeles, Calif.

SHIPPED: 6-2-60, from Lubbock, Tex., by Clary Poultry & Egg Co.

LIBELED: 8-3-60, S. Dist. Calif.

CHARGE: 402(a)(3)—contained decomposed eggs when shipped.

DISPOSITION: 9-20-60. Default—destruction.

FEEDS AND GRAINS

26768. No. 2 tallow. (F.D.C. No. 43091. S. Nos. 15-061 P, 15-562 P.)

INFORMATION FILED: 6-1-60, S. Dist. Ohio, against Kentucky Chemical Industries, Inc., Cincinnati, Ohio, and Emery Industries, Inc., Cincinnati, Ohio.

SHIPPED: 11-14-57 and 12-5-57, from Ohio to Kentucky and Tennessee.

CHARGE: 402(a)(1)—when shipped, the article contained an added poisonous and deleterious substance which may have rendered it injurious to health.

PLEA: Guilty.

DISPOSITION: 6-1-60. Each defendant fined \$2,000.

FISH

26769. Canned tuna. (F.D.C. No. 43560. S. No. 82-785 P.)

QUANTITY: 243 cases, 48 6½-oz. cans each, at Grand Island, Nebr.

SHIPPED: 7-24-59, from Hoquiam, Wash., by Whiz Fish Products Co., Inc.

LABEL IN PART: (Can) "Our Family Chunk Style Tuna * * * Distributed by Nash-Finch Co., Minneapolis, Minn."

LIBELED: 9-28-59, Dist. Nebr.

CHARGE: 403(f)—when shipped, the information required by 403(e)(1) to appear on the label, namely, the name and address of the distributor, was not prominently placed on the label with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render such information likely to be read by the ordinary individual under customary conditions of purchase and use; and 403(h)(2)—the article fell below the standard of fill of container for canned tuna since the standard of fill of container for canned tuna is a fill such that the average weight of the pressed cake from 24 cans in a container designated as 307 x 113 is not less than 3.92

ounces, whereas, the article was in containers of the above-mentioned size and the average weight of the pressed cake from 24 cans was less than 3.92 ounces, and the label of the article failed to bear a statement that the article fell below such standard.

DISPOSITION: 4-13-60. Consent—claimed by Whiz Fish Products Co., Inc., and relabeled.

26770. Flounder fillets and fluke fillets (fish). (F.D.C. No. 42466. S. Nos. 34-487 P, 34-493 P, 35-440 P, 55-264/5 P.)

INDICTMENT RETURNED: 5-13-59, E. Dist. Pa., against Universal Seafood Co., Inc., Philadelphia, Pa., and Daniel Diorio, president and treasurer of the corporation.

ALLEGED VIOLATION: On 3-23-59, while a quantity of fish was being held for sale after shipment in interstate commerce, the defendants, with intent to mislead and defraud, caused a quantity of sodium nitrite to be added to the fish, which act resulted in the fish being adulterated.

CHARGE: 402(a)(1)—the article bore and contained an added poisonous and deleterious substance, sodium nitrite, which rendered the article injurious to health.

PLEA: Nolo contendere.

DISPOSITION: 9-30-59. The court fined the corporation \$100 and the individual \$2,500. In addition, the court imposed a sentence of 1 year in prison against the individual and suspended sentence with respect to 11 months thereof, thereby requiring the defendant to serve 1 month in prison. The court also placed the individual on probation for 3 years. On 10-30-59, the court amended the sentence of the individual to provide for the serving of 16 days in prison instead of the 1 month originally imposed.

26771. Frozen ocean perch fillets. (F.D.C. No. 44727. S. Nos. 7-581 R, 7-661 R.)

QUANTITY: 280 5-lb. ctns., each containing individually cellophane-wrapped frozen ocean perch fillets, at Boston, Mass.

SHIPPED: These fillets were from fish caught by the fishing vessel "Ethelena" in the Atlantic Ocean outside the limits of Massachusetts, between 7-1-60 and 7-3-60.

LIBELED: 7-18-60, Dist. Mass.

CHARGE: 402(a)(3)—contained parasitic copepods and pus pockets when shipped.

DISPOSITION: 9-19-60. Default—destruction.

FRUITS AND VEGETABLES

CANNED FRUIT

26772. Canned peaches. (F.D.C. No. 44741. S. No. 36-640 R.)

QUANTITY: 65 cases, 6 6-lb. 8-oz. cans each, at Philadelphia, Pa.

SHIPPED: 5-23-60, from Yuba City, Calif.

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing decomposition.

LIBELED: 7-26-60, E. Dist. Pa.

CHARGE: 402(a)(3)—contained a decomposed substance while held for sale.

DISPOSITION: 8-17-60. Consent—destruction.

26773. Glace cherries. (F.D.C. No. 43918. S. No. 59-809 P.)

QUANTITY: 17 35-lb. tins at Baltimore, Md.

SHIPPED: 9-12-59 and 10-12-59, from North East, Pa., by Ohio Fruit Products Co., Inc.

LABEL IN PART: "Garden of Eden Glaced Cherries W/B [or Whole & Broken] [or Broken & pieces] * * * Lot: B 4514 L-3 RP Packed by Ohio Fruit Products Co., Inc., North East, Pa."

LIBELED: 11-17-59, Dist. Md.

CHARGE: 402(a)(3)—contained insect parts; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 5-4-60. Consent—destruction.

FRESH FRUIT

26774. Fresh blueberries. (F.D.C. No. 43739. S. No. 7-546 R.)

QUANTITY: 22 crates, 16 1-qt. boxes each, at Boston, Mass.

SHIPPED: 8-4-60, from New Durham, N.H., by Walter J. Searles.

LIBELED: 8-4-60, Dist. Mass.

CHARGE: 402(a)(3)—contained maggots when shipped.

DISPOSITION: 9-13-60. Default—destruction.

26775. Fresh blueberries. (F.D.C. No. 43740. S. No. 7-944 R.)

QUANTITY: 21 25-lb. boxes at Worcester, Mass.

SHIPPED: 8-10-60, from Alton, N.H., by Mr. Williamson.

LIBELED: 8-11-60, Dist. Mass.

CHARGE: 402(a)(3)—contained maggots when shipped.

DISPOSITION: 9-13-60. Default—destruction.

26776. Fresh blueberries. (F.D.C. No. 43747. S. No. 7-853 R.)

QUANTITY: 3 crates, 24 1-qt. boxes each, and 11 crates, 32 1-qt. boxes each, at Boston, Mass.

SHIPPED: 8-24-60, from Harrington, Maine, by Charles Taylor & Son.

LIBELED: 8-25-60, Dist. Mass.

CHARGE: 402(a)(3)—contained maggots when shipped.

DISPOSITION: 9-26-60. Default—destruction.

26777. Fresh blueberries. (F.D.C. No. 43738. S. No. 7-551 R.)

QUANTITY: 42 crates, 16 1-qt. boxes each, and 5 crates, 24 1-qt. boxes each, at Lawrence, Mass.

SHIPPED: 8-8-60, from Alton, N.H., by Alfred Castle.

LIBELED: 8-19-60, Dist. Mass.

CHARGE: 402(a)(3)—contained maggots when shipped.

DISPOSITION: 9-26-60. Default—destruction.

VEGETABLES AND VEGETABLE PRODUCTS*

26778. Dried black-eyed peas and dried green peas. (F.D.C. No. 44489. S. Nos. 22-977 R, 23-516 R.)

QUANTITY: 80 100-lb. bags of dried black-eyed peas and 120 100-lb. bags of dried green peas at Muskogee, Okla., in possession of Griffin Mfg. Co.

SHIPPED: 2-5-60 and 4-21-60, from Moscow, Idaho, and Modesto, Calif.

LIBELED: 6-10-60, E. Dist. Okla.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 6-22-60. Consent—claimed by Griffin Grocery Co., Inc. Segregated; the dried black-eyed peas and 5,250 lbs. of dried green peas converted into animal feed.

26779. Dried peas and dried lima beans. (F.D.C. No. 44445. S. Nos. 23-511 R, 23-684 R.)

QUANTITY: 55 100-lb. bags of dried peas and 147 100-lb. bags of dried lima beans, at Westville, Okla., in possession of Baron Canning Co.

SHIPPED: 10-5-59 and 1-15-60, from Moscow and Kimberly, Idaho.

LIBELED: 4-21-60, E. Dist. Okla.

CHARGE: 402(a)(3)—contained rodent excreta pellets; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 6-18-60. Consent—claimed by Baron Canning Co. Segregated; 1,300 lbs. of peas and 2,150 lbs. of lima beans destroyed.

26780. Lupini beans. (F.D.C. No. 44261. S. No. 63-518 P.)

QUANTITY: 78 100-lb. bags at Boston, Mass.

SHIPPED: 12-22-59, from Naples, Italy, by Ercole D'Angiola.

LABEL IN PART: "CPC Boston Lupini Product of Italy."

LIBELED: 2-25-60, Dist. Mass.

CHARGE: 402(a)(3)—contained insect-infested beans when shipped.

DISPOSITION: 9-13-60. Default—destruction.

26781. Pickled beans. (F.D.C. No. 44707. S. No. 3-465 R.)

QUANTITY: 23 cases, 12 1-pt. jars each, at Princeton, W. Va.

SHIPPED: Prior to 2-28-59, from Indianapolis, Ind.

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing decomposition.

LIBELED: 7-13-60, S. Dist. W. Va.

CHARGE: 402(a)(3)—contained a decomposed substance while held for sale.

DISPOSITION: 9-15-60. Default—destruction.

26782. Pickled chili peppers. (F.D.C. No. 43205. S. Nos. 40-041 P, 48-284 P.)

INFORMATION FILED: 9-9-59, N. Dist. Calif., against Lady's Choice Foods, a corporation, San Francisco, Calif., Nathan Smooke, president, and Stanley Wruble, plant manager of the corporation.

SHIPPED: 6-20-58 and 11-23-58, from California to Hawaii.

*See also No. 26758.

LABEL IN PART: (Jar) "Lady's Choice Chiles Encurtidos Contains Peppers, Vinegar, Salt Packed by Lady's Choice Foods San Francisco-Los Angeles" and "Lady's Choice Chiles Encurtidos Net Contents One Pint 6 Fluid Ozs. Packed for Lady's Choice Foods."

CHARGE: 402(a)(3)—the article in the November shipment contained insects; and 402(a)(4)—the article in both shipments had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

PLEA: Nolo contendere.

DISPOSITION: 6-8-60. Fines of \$500 against the corporation, \$250 against Smooke, and \$250 against Wruble.

TOMATOES

26783. Canned tomatoes. (F.D.C. No. 44222. S. Nos. 74-820 P, 97-330 P.)

QUANTITY: 496 cases, 6 #10 cans each, at Chicago, Ill.

SHIPPED: 9-17-59, from Sweetsers, Ind., by Beyer Canning Co.

LIBELED: 2-8-60, N. Dist. Ill.

CHARGE: 402(a)(3)—contained fly eggs and maggots when shipped.

DISPOSITION: 3-10-60. Default—destruction.

26784. Canned tomatoes. (F.D.C. No. 44158. S. No. 90-285 P.)

QUANTITY: 313 cases, 24 1-lb. 12-oz. cans each, at Burlington, Vt.

SHIPPED: 8-25-59, from Federalsburg, Md., by Albert W. Sisk & Son.

LABEL IN PART: (Can) "Much-More Brand Tomatoes * * * Packed for Food Products Co. of America. Chicago, Ill."

LIBELED: 1-4-60, Dist. Vt.

CHARGE: 402(a)(3)—contained *Dsosophila* fly eggs and maggots when shipped,

DISPOSITION: 1-11-60. Default—destruction.

26785. Canned tomatoes. (F.D.C. No. 43975. S. No. 90-288 P.)

QUANTITY: 220 cases, 24 1-lb. 12-oz. cans each, at Barre, Vt.

SHIPPED: 8-3-59, from Easton, Md., by J. T. Harrison & Associates.

LABEL IN PART: (Can) "Dover Brand Tomatoes * * * Packed by Harrison & Jarboe Sherwood, Md."

LIBELED: 12-21-59, Dist. Vt.

CHARGE: 402(a)(3)—contained *Drosophila* fly eggs and maggots; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 1-11-60. Default—destruction.

NUTS AND NUT PRODUCTS

26786. Shelled pecans. (F.D.C. No. 44392. S. No. 68-676 P.)

QUANTITY: 399 30-lb. cases at Philadelphia, Pa.

SHIPPED: 1-23-60, from Waycross, Ga., by Gold Kist Pecan Growers.

LABEL IN PART: (Case) "Midget Pcs. * * * Gold Kist Shelled Pecans Packed by Gold Kist Pecan Growers, Waycross, Georgia."

LIBELED: 3-24-60, E. Dist. Pa.; libel amended 3-29-60.

CHARGE: 402(a)(3)—contained insects; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 4-11-60. Consent—claimed by Gold Kist Pecan Growers. Segregated; 3,270 lbs. found unfit.

26787. Pecan meal. (F.D.C. No. 44097. S. No. 11-661 R.)

QUANTITY: 80 30-lb. cases at Milwaukee, Wis.

SHIPPED: 1-22-60, from Waycross, Ga., by Gold Kist Pecan Growers.

LABEL IN PART: "Pecan Meal * * * Gold Kist Brand * * * Packed by Gold Kist Pecan Growers, Waycross, Georgia 0172."

LIBELED: 3-17-60, E. Dist. Wis.

CHARGE: 402(a)(3)—contained insects and insect larvae; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 4-13-60. Default—destruction.

OILS AND FATS

26788. Table and cooking oil. (F.D.C. No. 41488. S. No. 3-662 P.)

QUANTITY: 8 cases, 6 1-gal. cans each, at Logan, W. Va.

SHIPPED: 11-19-57, from Chicago, Ill., by Western Food Corp.

LABEL IN PART: "W-F-C Liguria Superfine Brand Refined Vegetable Salad Oils and Pure Imported Olive Oil."

RESULTS OF INVESTIGATION: Examination showed that the article was a mixture of vegetable oils with little or no olive oil.

LIBELED: 3-28-58, S. Dist. W. Va.

CHARGE: 402(b)(1)—when shipped, a valuable constituent, olive oil, had been in whole or in part omitted from the article; 402(b)(2)—a mixture of vegetable oils with little or no olive oil had been substituted for a blend of vegetable oils and olive oil; and 403(a)—the label statement "* * * Refined Vegetable Salad Oils and Pure Imported Olive Oil" was false and misleading.

DISPOSITION: 7-18-58. Default—delivered to a charitable institution.

26789. Olive oil. (F.D.C. No. 43012. S. No. 10-931 P.)

QUANTITY: 16 cases, 6 cans each, at Jeannette, Pa.

SHIPPED: 2-19-59, from New York, N.Y., by J. Ossola Co.

LABEL IN PART: (Can) "Torina Brand 100% Pure Olive Oil Imported Product Packed by J. Ossola Co., New York, N.Y."

LIBELED: 5-13-59, W. Dist. Pa.

CHARGE: 402(b)(2)—when shipped, tea seed oil had been substituted in part for olive oil; 403(a)—the label statement "100% Pure Olive Oil" was false and misleading as applied to the article which was a mixture of tea seed oil and olive oil.

DISPOSITION: On 7-17-59, the claimant, J. Ossola Co., and the Government having agreed to the removal of the case to the E. Dist. N.Y., an order was entered directing such removal. On 9-14-59, the claimant having consented, judgment of condemnation was entered and the product was ordered released under bond for exportation to the original foreign suppliers. On 5-16-60, the claimant having found that it was unable to export the article to the original foreign supplier, and having consented to the destruction of the article, the court ordered that the product be destroyed.

26790. Table and cooking oil. (F.D.C. No. 44231. S. No. 90-650 P.)

QUANTITY: 30 cases, 12 ½-gal. cans each, at Boston, Mass.

SHIPPED: Prior to 12-31-59, from outside the State of Massachusetts.

LABEL IN PART: (Can) "La Regina Brand High Grade Family Oil. This can contains 95% high grade vegetable oil and 5% imported olive oil with color added. Packed by A. Accardi Co., Boston, Mass."

RESULTS OF INVESTIGATION: Examination showed the article to be cottonseed oil which had been packed by Catania-Spagna Corp., Somerville, Mass., into cans furnished by A. Accardi Co.

LIBELED: 2-8-60, Dist. Mass.

CHARGE: 402(b)(1)—while held for sale, the valuable constituent, olive oil, had been in whole or in part omitted or abstracted from the article; 403(a)—the label statement "5% Imported Olive Oil" was false and misleading; and 403(i)(1)—the article consisted of cottonseed oil and its label failed to bear the common or usual name of the article, since "Family Oil" is not the common or usual name of cottonseed oil.

DISPOSITION: 4-7-60. Consent—claimed by A. Accardi Co., Boston, Mass., and relabeled.

OLEOMARGARINE

26791. Oleomargarine. (F.D.C. No. 44359. S. No. 90-668 P.)

QUANTITY: 6 ctns., 30 1-lb. prints each, and 38 1-lb. prints at Central Falls, R. I., in possession of Gordon's Meat Market.

SHIPPED: 1-26-60, from Cambridge, Mass.

RESULTS OF INVESTIGATION: The 1-lb. prints of oleomargarine were individually wrapped and properly labeled when shipped. After arrival of the oleomargarine at Central Falls, R.I., Gordon's Meat Market removed the labeled wrappers from the 1-lb. prints and offered them for sale as butter.

LIBELED: 3-2-60, Dist. R.I.

CHARGE: 403(b)—while held for sale, the article was offered for sale under the name of another food, namely, butter; 403(e)—the label of the article failed to contain (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the quantity of contents; and 403(g)(2)—the article purported to be oleomargarine, a food for which a definition and standard of identity has been prescribed by regulations, and the label of the article failed to bear the name of the food specified in the definition and standard and the common names of the optional ingredients (other than spices, flavoring, and coloring) present in the article.

DISPOSITION: 3-29-60. Default—delivered to a public institution.

SPICES, FLAVORS, AND SEASONING MATERIALS

26792. Paprika. (F.D.C. No. 44495. S. No. 42-264 R.)

QUANTITY: 164 100-lb. bags at San Francisco, Calif.

SHIPPED: 5-6-57, from Yugoslavia.

LIBELED: 6-9-60, N. Dist. Calif.

CHARGE: 402(a)(3)—contained insect excreta, insect webbing, and insect fragments while held for sale.

DISPOSITION: 8-10-60. Default—destruction.

26793. Sesame seeds. (F.D.C. No. 44749. S. No. 7-455 R.)

QUANTITY: 9 100-lb. bags at Everett, Mass.

SHIPPED: 4-25-60, from New York, N.Y.

LIBELED: 8-3-60, Dist. Mass.

CHARGE: 402(a) (3)—contained rodent excreta pellets while held for sale.

DISPOSITION: 9-19-60. Default—destruction.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

26794. Hy-B-One Plus tablets. (F.D.C. No. 43774. S. No. 79-322 P.)

QUANTITY: 70 50-tablet btls. at Detroit, Mich.

SHIPPED: 7-16-59, from Glendale, Calif.

RESULTS OF INVESTIGATION: Examination showed that the article contained approximately 70 percent of the declared amount of Vitamin B₁.

LIBELED: 10-22-59, E. Dist. Mich.

CHARGE: 402(b) (1)—while held for sale, the valuable constituent, vitamin B₁, had been in part omitted or abstracted from the article; and 403(a)—the label statement "Vitamin B₁ 50 mg." was false and misleading.

DISPOSITION: 1-11-60. Default—destruction.

26795. Brewers' yeast flakes. (F.D.C. No. 44389. S. Nos. 85-873 P, 33-023 R.)

QUANTITY: 7 cases, 12 6-oz. jars each, and 16 cases, 6 12-oz. jars each, at New York, N.Y.

SHIPPED: 11-16-59, from Los Angeles, Calif., by Vegetrates Co.

LABEL IN PART: (Jar) "Vegetrates Brewers' Yeast Flakes Type V-200 (Readily miscible) Concentrated food protein and a potent natural source of Vitamin B-Complex. Pure, primary grown cultured Brewers' Yeast Flakes of high vitamin content, scientifically standardized. * * * Contains the following potencies: * * * Distributed by Vegetrates Company, Los Angeles, California."

ACCOMPANYING LABELING: Circulars entitled "Original Vegetrates V-200 Brand Brewers' Yeast Flakes."

LIBELED: On or about 4-26-60, S. Dist. N.Y.

CHARGE: 403(a)—(6-oz. jar) when shipped, the label statement "Hi-Potency" was false and misleading since the potencies of vitamins, minerals, and amino acids in the article were not high; and (both size jars) the label declaration of potencies of the vitamin content of the article in micrograms was misleading in that it exaggerated the contribution of the vitamins in the article as a food supplement to the diet; the label statements "The minimum daily requirement for niacin has not been established" and "The need for vitamin B₆ * * * folic acid * * * in human nutrition has not been established" were false and misleading since they were contrary to fact; the label statement "essential Amino Acids—Arginine, Histidine * * *" was false and misleading since arginine and histidine are not regarded as indispensable for humans; the labeling accompanying the article, namely, the circular entitled "Original Vegetrates V-200 Brand Brewers' Yeast Flakes," contained false and misleading representations and suggestions that the article was adequate and effective to provide marvelous strength in proteins, carbohydrates, vitamins, min-

erals, amino acids, and enzymes to fortify body cells to an amazing degree; and to rehabilitate weary and worn body cells; and that the article would provide a perfect, proper and complete nutritive balance to the diet; and 403 (j)—the article purported to be and was represented as a food for special dietary uses by reason of its vitamin and mineral content and its use as a means of regulating the intake of fat and carbohydrates and calories, and its label failed to bear, as required by regulations, a statement of the proportions of the minimum daily requirement for niacin, calcium, phosphorus, iron and iodine supplied by such food when consumed during a period of one day, and the percent by weight of fat and available carbohydrates in such food, and the number of calories supplied by a specified quantity of such food.

DISPOSITION: 6-22-60. Default—destruction.

26796. Multivitamin tablets. (F.D.C. No. 44587. S. Nos. 33-832/3 R.)

QUANTITY: 3 cases, each containing 71,000 Bioseal tablets, and 72 unlabeled 50-tablet btls., 168 unlabeled 100-tablet btls., 48 labeled 50-tablet btls., and 72 labeled 100-tablet btls., of Bio-Tol tablets at New York, N.Y.

SHIPPED: 2-25-60 and 3-7-60, from South Hackensack, N.J., by Batt Pharmaceutical Co., Inc.

LABEL IN PART: (Case) "S.F. 608 Contents Special Formula Tablets," and (48 and 72 btl. lots) "Bio-Tol Improved Multi-Vitamin Formula with 10 mcgm. B-12. Biopharma, Incorporated, New York 12, N.Y."

ACCOMPANYING LABELING: 1,000 loose labels reading in part "100 Viseals Bio-seals Improved Multi-Vitamin Formula * * * Biopharma, Incorporated, New York 12, N.Y." for use in labeling the tablets in the 3-case lot after repacking them into bottles; and 1,000 loose "Bio-Tol" labels.

RESULTS OF INVESTIGATION: The Bio-Tol tablets had been shipped in bulk containers and after receipt by the dealer were repacked into the above-described bottles. Analysis showed that the Bioseal tablets contained approximately 73 percent of the declared amount of vitamin B₁ and approximately 84 percent of the declared amount of vitamin C, and that the Bio-Tol tablets contained approximately 70 percent of the declared amount of vitamin C.

LIBELED: 5-27-60, S. Dist. N.Y.

CHARGE: Bioseal tablets, 402(b)(1)—while held for sale, the valuable constituents, vitamin C and vitamin B₁, had been in part omitted or abstracted from the article; 403(a)—while held for sale, the label statement "Thiamin Hcl 3 Mg. * * * Ascorbic Acid 50 Mg." was false and misleading as applied to an article containing less than the declared amounts of those vitamins; 403(a)—when shipped and while held for sale, the label statements (case) "The need in human nutrition for * * * Niacinamide has been established, but the amount required has not as yet been fully determined" and (repack bottle label) "The need for the remaining ingredients has not been established" were false and misleading since the need in human nutrition for niacinamide and the minimum daily requirement for niacinamide have been established; and 403(j)—when shipped and while held for sale, the article purported to be and was represented as a food for special dietary uses and its label failed to bear, as required by regulations, a statement of the proportion of the minimum daily requirement for niacinamide supplied by such food when consumed in a specified quantity during the period of one day.

Bio-Tol tablets, 402(b)(1)—while held for sale, the valuable constituent, vitamin C, had been in part omitted or abstracted from the article; 403(a)—

while held for sale, the label statement "vitamin C (Ascorbic Acid) 30 mg." was false and misleading as applied to an article containing less than the declared amount of vitamin C; 403(a)—while held for sale, the name of the article "Bio-Tol Improved Multivitamin Formula" was false and misleading since the article contained ingredients, including minerals, in addition to vitamins; and the label statement "The need for the remaining ingredients in human nutrition has not been established" was false and misleading since the need in human nutrition for potassium, copper, magnesium, tocopherol, and methionine in the article has been established.

DISPOSITION: 7-14-60. Consent—claimed by Cosmos Chemical Corp., New York, N.Y., and released under bond for relabeling.

26797. Lecithin. (F.D.C. No. 44438. S. Nos. 93-216 P, 93-218/20 P.)

QUANTITY: 37 8-oz. btls. and 28 1-lb btls. of granular lecithin; 16 100-capsule btls. of No. 761 lecithin; 5 50-capsule btls., 13 100-capsule btls., and 4 250-capsule btls. of liquid lecithin; and 13 100-capsule btls. of soyalecithin and carotene, at Seattle, Wash.

SHIPPED: (Granular lecithin) 1-15-60, from Los Angeles, Calif., by William T. Thompson Co.; (No. 761 lecithin) 1-27-60, from New York, N.Y., by Approved Formulas, Inc.; (liquid lecithin) between 10-2-59 and 11-13-59, from Portland, Oreg., by Nu Vita Co.; and (soyalecithin and carotene) 10-20-59, from South Hackensack, N.J., by Schiff Bio Food Products, Inc.

LABEL IN PART: "Granular Form Wm. Luddy Co. Lecithin Derived From Soybeans * * * A Natural Vegetable phosphatide rich in unsaturated fatty acids * * * Wm. Luddy Company, Los Angeles 27, Calif. St. Louis 3, Mo."; "No. 761 Lecithin 8 Grains natural lecithin obtained from soybeans aids fat metabolism. * * * Manufactured for Approved Formulas, Inc., New York 36, N.Y."; "Soya Liquid Lecithin US Grade * * * Each capsule contains not less than 1200 mg. of N.S. grade Lecithin * * * Nu Vita Company, 1325 S.E. 9th Avenue Portland 14, Oregon"; and "Schiff Natural Lecithin Soyalecithin 370.6 mg. & Carotene Vitamin A 1000 units per capsule * * * Schiff Bio Food Products, Inc., So. Hackensack, N.J."

ACCOMPANYING LABELING: Photocopy of newspaper article by Lelord Kordell entitled "Stay Alive Longer" appearing in the August 26, 1959 edition of a Seattle newspaper.

LIBELED: 4-19-60, W. Dist. Wash.

CHARGE: 403(a)—when shipped, the labeling of the articles contained statements which represented and suggested that the articles were foods for special dietary uses by reason of their lecithin content, which statements were false and misleading since the articles were of no value for such purposes; 403(a)—the names of the articles and the label declarations of the amounts of the ingredients contained in the articles were misleading since such names and declarations suggested and implied that all ingredients of the article were nutritionally significant, whereas the ingredients in the articles were not all nutritionally significant; and 403(a)—the name of the article "Soya Liquid Lecithin" was false and misleading since there is no product which may properly be designated by that name.

The libel alleged also that the articles were misbranded under the provisions of the law applicable to drugs as reported in notices of judgment on drugs and devices.

DISPOSITION: 6-17-60. Default—destruction.

26798. Vitamins. (F.D.C. No. 44695. S. Nos. 6-717/8 R.)

QUANTITY: 9 ctns. containing a total of 31,200 variously colored tablets, each individually wrapped in cellophane envelopes; 10 mounting cards with boxes of tablets attached; 92 mounting cards with 31 envelopes attached, each envelope containing 1 tablet; 2,400 empty boxes; 1,700 sheets, each containing 3 box labels; and 52 cases, each containing 11 boxes; and 1 mounting card containing 31 envelopes each containing 1 tablet; at Boston, Mass., in possession of Brady Associates, Inc., Boston Pharmacal Co. Div.

SHIPPED: The tablets were shipped in bulk containers on 3-10-59, from Philadelphia, Pa.

LABEL IN PART: (Card) "Vitamins the candy-flavored multivitamin" and (box) "One Month's Supply of Vitamins the candy-flavored multivitamin * * * 9 vitamins—9 minerals."

ACCOMPANYING LABELING: Leaflets entitled "Vitamin Instructions," placards reading in part "Your Druggist & Doctor Will Tell You," and folders entitled "Vitamin Prize Catalog."

RESULTS OF INVESTIGATION: The tablets in the boxes and envelopes were repacked from bulk containers and labeled by Brady Associates, Inc.

LICENSED: 6-29-60, Dist. Mass.

CHARGE: 402(b)(1)—while held for sale, the valuable constituents, vitamin B₁₂ and vitamin C, had been in part omitted or abstracted from the article; 403(a)—the label statements (box) "B₁₂ (from cobalamin conc.) 2 mcg. C Ascorbic Acid 30 mg." were false and misleading as applied to a product containing less than the declared amounts of such vitamins; 403(a)—the name "Vitamins" and the label vignette of confectionery were false and misleading since such name and vignette suggested and implied that the article was confectionery, whereas the article was not confectionery; 403(a)—the labeling of the article contained false and misleading suggestions that use of the article would develop good health and insure good health; 403(e)(2)—the article (bulk) failed to bear a label containing an accurate statement of the quantity of contents; 403(i)(2)—the article (bulk) was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient; and 403(j)—the article purported to be and was represented as a food for special dietary uses by reason of its vitamin and mineral content and its label failed to bear, as required by regulations, (bulk) a statement of the proportion of the minimum daily requirement for vitamins A, B₁, B₂, C, D, niacinamide, and iron or iodine supplied by the article when consumed in a specified quantity during the period of one day, and (repack) the statement "The need for calcium pantothenate, cobalt, molybdenum, manganese, and zinc in human nutrition has not been established" and a statement of the proportion of the minimum daily requirement for iron or iodine supplied by the article when consumed in a specified quantity during a period of one day.

DISPOSITION: 8-31-60. Default—destruction.

26799. Algit Norwegian Kelp Meal. (F.D.C. No. 42896. S. No. 42-671 P.)

QUANTITY: 660 50-lb. bags at Spokane, Wash.

SHIPPED: 7-9-58 and 9-12-58, from Kristiansund N, Norway, by Algea Produkter A.S.

LABEL IN PART: "Algit the Norwegian Kelp Meal Product of Norway Guaranteed Analysis Crude Protein, not less than 5% Crude Fat, not less than 2% Crude Fibre, not more than 8% Salt (NaCl), not more than 3% Phosphorus (P), not less than 0.2% Iodine (I), not less than 0.06% Calcium (Ca), not less than 1.5% Ingredients . . . Norwegian Kelp Meal Usage: 2% of grain ration for animal feeding Algea Produkter A.S. Kristiansund N, Norway."

ACCOMPANYING LABELING: Leaflets entitled "The Sunday Star Magazine Farming Without Fertilizer," "Life In The Country," "Algit News Vol. 1., Issue 2" and "Algit News"; reprints of letter to Mr. Joseph M. Ronan, and reprints of letter headed "State of Montana" to Mr. M. Ottesen.

RESULTS OF INVESTIGATION: The accompanying labeling was received by the dealer at Spokane, Wash., from Larry Ottesen, Seattle, Wash.

LIBELED: 3-23-59, E. Dist. Wash.

CHARGE: 403(a)—when shipped and while held for sale, the labeling accompanying the article contained false and misleading representations that the article when used as directed was effective in establishing and maintaining a high butterfat content of milk from herds during warmer weather; would ready cattle for market weeks ahead of schedule; contained significant amounts of all of the vitamins, minerals, and amino acids needed by men and other animals; would supply the nutrients for pale and tired blood; restored the chemical balance of the blood of men; increased the butterfat of the milk; controlled mineral deficiency ailments; improved the quality of the milk, particularly the vitamin A content, of dairy cattle; promoted utilization of feed by chickens; improved the production of lambs and of more and better wool, and produced exceptionally fine pelts of sheep; caused fish to grow larger; supplied significant amounts of plant hormones; was effective in raising better race horses; improved the fur of minks; caused meat from cattle and hogs to taste better and dress off higher; improved the shell texture of eggs of chickens; and supplied important blood constituents because the human blood and seawater are chemically about the same.

The libel charged also that the article was misbranded under the provisions of the law applicable to drugs and devices, as reported in notices of judgment on drugs and devices, No. 5937.

DISPOSITION: 3-27-59. Consent—claimed by Algit Kelp Meal Distributing, Inc., Spokane, Wash., and relabeled.

MISCELLANEOUS FOOD

26800. Butterscotch pudding mix. (F.D.C. No. 44692. S. No. 36-484 R.)

QUANTITY: 15 cases, 6 5-lb. cans each, at Hammonton, N.J.

SHIPPED: 5-5-60, from Somerville, Mass., by Vintage Canning Corp.

LABEL IN PART: (Cans) "Butsctch Pud * * * Mfr. Vintage Canning Corp., Boston, Mass."

LIBELED: 7-1-60, Dist. N.J.

CHARGE: 402(a)(3)—contained rodent excreta when shipped.

DISPOSITION: 8-23-60. Default—destruction.

INDEX TO NOTICES OF JUDGMENT F.N.J. NOS. 26751 TO 26800

PRODUCTS

	N.J. No.		N.J. No.
Algit Norwegian Kelp Meal-----	26799	vegetables and vegetable prod-	
Barley -----	¹ 26756	ucts-----	26778-26782
malting-----	26757	Glace cherries-----	26773
Beans, black-eyed, dried. <i>See</i>		Grains. <i>See</i> Feeds and grains.	
Peas, black-eyed, dried.		Hy-B-One Plus tablets-----	26794
lima, dried -----	26779	Lecithin, granular -----	26797
lupini -----	26780	liquid, capsules-----	26797
pickled -----	26781	No. 761, capsules-----	26797
pinto -----	26758	Lima beans, dried-----	26779
Bioseal tablets-----	26796	Linguini-----	26755
Bio-Tol tablets-----	26796	Lupini beans-----	26780
Blended oil-----	26788	Macaroni and noodle products--	26754-
Blueberries, fresh-----	26774-26777	¹ 26756	
Brewer's yeast flakes-----	26795	mezzani-----	26755
Butter -----	26764	Malting barley-----	26757
Candy. <i>See</i> Confectionery.		Milk solids, nonfat, dry-----	26765
Carrot pastina-----	26755	Mix, corn muffin-----	¹ 26756
Cereal and cereal prod-		piecrust-----	¹ 26756
ucts-----	26751-26760	pudding, butterscotch-----	26800
bran-----	26754	roll-----	26756
oat-----	26754	Noodles. <i>See</i> Macaroni and	
sugar-coated -----	26754	noodle products.	
whole wheat-----	26754	Nuts-----	26786, 26787
Cherries, glace-----	26773	Oils and fats-----	26788-26790
Chili peppers, pickled-----	26782	Oleomargarine-----	26791
Chocolate-covered peanuts-----	26754	Olive oil-----	26789
raisins -----	26754	Paprika -----	26792
dip coating-----	26761	Pastina, carrot-----	26755
Corn muffin mix-----	¹ 26756	egg-----	26755
Dairy products-----	26764, 26765	spinach -----	26755
Egg(s), frozen-----	26767	Peaches, canned-----	26772
incubator reject-----	26766	Peanut(s), chocolate-covered ---	26754
pastina-----	26755	brittle -----	26762
Fats. <i>See</i> Oils and fats.		Peas, dried-----	26779
Feeds and grains-----	26768	black-eyed, dried-----	26778
Fish -----	26769-26771	green, dried-----	26778
Flavors. <i>See</i> Spices, flavors and		Pecan(s), meal-----	26787
seasoning materials.		shelled -----	26786
Flounder fillets-----	26770	Peppers, chili, pickled-----	26782
Flour-----	26751-26754	Perch fillets -----	26771
Fluke fillets (fish)-----	26770	Pickled beans-----	26781
Fruits and vegetables-----	26772-26785	Piecrust mix-----	¹ 26756
fruit, canned-----	26772, 26773	Pinto beans-----	26758
fresh-----	26774-26777	Popcorn, unpopped-----	¹ 26756
tomatoes -----	26783-26785		

¹ (26756) Prosecution contested. Contains findings of fact and memorandum of decision.

	N.J. No.		N.J. No.
Pudding mix, butterscotch-----	26800	Sugar-----	26763
Raisins, chocolate-covered-----	26754	Tallow, No. 2-----	26768
Rice-----	26758	Tomatoes, canned-----	26783-26785
Roll mix-----	¹ 26756	Tuna, canned-----	26769
Sesame seeds-----	26793	Vegetables. <i>See</i> Fruits and vegetables.	
Soyalecithin and carotene capsules-----	26797	Vitamin, mineral, and other products of special dietary significance-----	26794-26799
Spaghetti. <i>See</i> Macaroni and noodle products.		Vitamints-----	26798
Spices, flavors, and seasoning materials-----	26792, 26793	Wheat-----	26759, 26760
Spinach pastina-----	26755	Yeast, brewer's, flakes-----	26795

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N.J. No.		N.J. No.
Accardi, A., Co.:		Commonwealth Oil Associates.	
Table and cooking oil-----	26790	<i>See</i> Cohen, Harry.	
Algea Produkter, A. S.:		Cozze, Richard:	
Algit Norwegian Kelp Meal---	26799	incubator reject eggs-----	26766
Approved Formulas, Inc.:		D'Angiola, Ercole:	
No. 761 lecithin capsules-----	26797	lupini beans-----	26780
Banner Roller Mills, Inc.:		Diamond Baking Co., Inc.:	
flour-----	26752	flour-----	26753
Baron Canning Co.:		Diorio, Daniel:	
dried peas and dried lima beans-----	26779	flounder fillets and fluke fillets_	26770
Batt Pharmacal Co., Inc.:		Emery Industries, Inc.:	
multivitamin tablets-----	26796	No. 2 tallow-----	26768
Beyer Canning Co.:		Ethelena (boat):	
canned tomatoes-----	26783	ocean perch fillets-----	26771
Biopharma, Inc.:		Farmers Elevator Co.:	
multivitamin tablets-----	26796	wheat-----	26759
Boston Pharmacal Co., Div. of Brady Associates, Inc.:		Foodmaster Specialties, Inc.:	
Vitamints-----	26798	peanut brittle-----	26762
Brady Associates, Inc. <i>See</i> Boston Pharmacal Co.		Food Producers, Inc.:	
Castle, Alfred:		chocolate dip coating-----	26761
fresh blueberries-----	26777	Food Products Co.:	
Clary Poultry & Egg Co.:		canned tomatoes-----	26784
frozen eggs-----	26767	Forrest Baking Corp.:	
Clayton-Brown Co., Inc.:		peanut brittle-----	26762
flour, chocolate-covered peanuts, chocolate-covered raisins, spaghetti, bran cereal, whole wheat cereal, oat cereal, sugar-coated cereal----	26754	Glenwood Inn Foods:	
Cohen, Harry:		chocolate dip coating-----	26761
incubator reject eggs-----	26766	Gold Kist Pecan Growers:	
		pecan meal-----	26787
		shelled pecans-----	26786
		Gordon's Meat Market:	
		oleomargarine-----	26791
		Griffin Mfg. Co.:	
		dried black-eyed peas and dried green peas-----	26778

¹ (26756) Prosecution contested. Contains findings of fact and memorandum of decision.

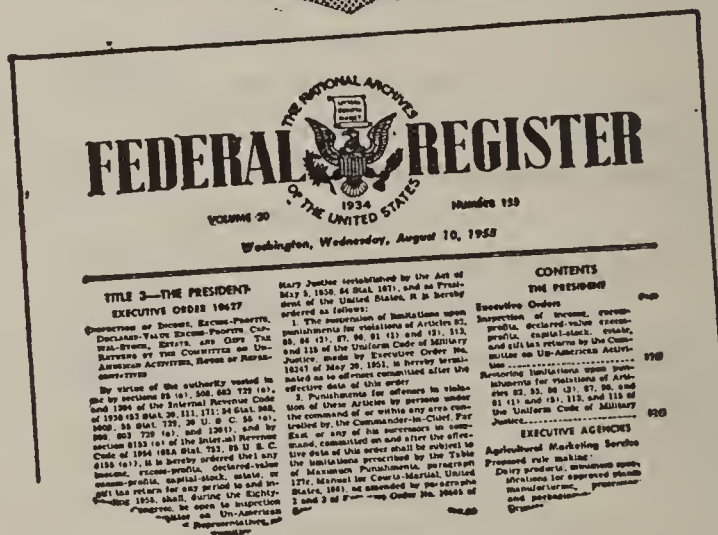
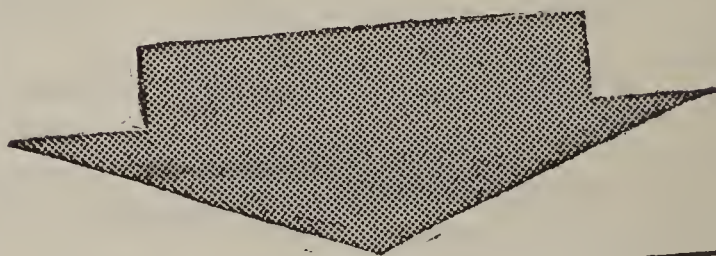
	N.J. No.		N.J. No.
Harrison & Jarboe:		Rosen, N. N.:	
canned tomatoes-----	26785	barley, unpopped popcorn, pie-	
Harrison, J. T., & Associates:		crust mix, hot roll mix, corn	
canned tomatoes-----	26785	muffin mix, egg noodles, and	
Kentucky Chemical Industries,		macaroni----- ¹	26756
Inc.:		Schiff Bio Food Products, Inc.:	
No. 2 tallow-----	26768	soyalecithin and carotene cap-	
Lady's Choice Foods:		sules-----	26797
pickled chili peppers-----	26782	Searles, W. J.:	
Langle's Dairy:		fresh blueberries-----	26774
butter -----	26764	Singletary, G. V., & Sons:	
Luddy, Wm., Co.:		rice and pinto beans-----	26758
granular lecithin-----	26797	Singletary, J. B.:	
Nash-Finch Co.:		rice and pinto beans-----	26758
canned tuna-----	26769	Singletary, J. H.:	
New London Paper & Supply Co.,		rice and pinto beans-----	26758
Inc.:		Sisk, Albert W., & Son:	
barley, unpopped popcorn, pie-		canned tomatoes-----	26784
crust mix, hot roll mix, corn		Smooke, Nathan:	
muffin mix, egg noodles, and		pickled chili peppers-----	26782
macaroni----- ¹	26756	Taylor, Charles & Son:	
Nu Vita Co.:		fresh blueberries-----	26776
liquid lecithin capsules-----	26797	Thompson, Wm. T., Co.:	
Ohio Fruit Products Co., Inc.:		granular lecithin-----	26797
glace cherries-----	26773	Universal Seafood Co., Inc.:	
Ossola, J., Co.:		flounder fillets and fluke fillets--	26770
olive oil-----	26789	Vegetrates Co.:	
Packers' Laboratory, Inc.:		brewer's yeast flakes-----	26795
nonfat dry milk solids-----	26765	Vintage Canning Corp.:	
Peavey Elevators:		butterscotch pudding mix-----	26800
malting barley-----	26757	Voltaire Farmers Elevator Co.:	
Pennsylvania Railroad:		wheat-----	26760
sugar -----	26763	Western Food Corp.:	
Prince Macaroni Mfg. Co.:		table and cooking oil-----	26788
egg pastina, carrot pastina,		Whiz Fish Products Co., Inc.:	
spinach pastina, mezzani		canned tuna-----	26769
macaroni, linguini, spaghetti,		Williamson, Mr.:	
and vegetable egg noodles---	26755	fresh blueberries-----	26775
		Wruble, Stanley:	
		pickled chili peppers-----	26782

¹ (26756) Prosecution contested. Contains findings of fact and memorandum of decision.

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U.S. Department of Health, Education, and Welfare

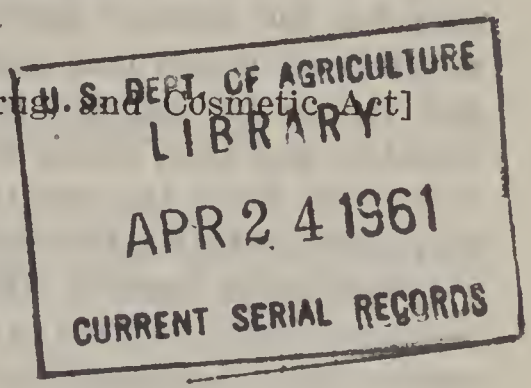
FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,
DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

26801-26850

FOODS



The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were adulterated or misbranded within the meaning of the Act when introduced into and while in interstate commerce, or while held for sale after shipment in interstate commerce. These cases involve (1) seizure proceedings in which decrees of condemnation were entered by default, or by consent; and (2) criminal proceedings which were terminated upon a plea of guilty. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal proceedings are against the *firms* or *individuals* charged to be responsible for violations.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*
WASHINGTON, D.C., *February 15, 1961.*

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SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS
REPORTED IN F.N.J. NOS. 26801-26850

Adulteration, Section 402(a)(2), the article was a raw agricultural commodity and contained a pesticide chemical which was unsafe within the meaning of Section 408(a); Section 402(a)(3), the article consisted in part of a filthy or decomposed substance, or it was otherwise unfit for food; Section 402(a)(4), the article had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth; Section 402(b)(1), a valuable constituent had been in whole or in part omitted or abstracted from the article; Section 402(b)(2), a substance had been substituted in whole or in part for the article; Section 402(b)(4), a substance had been added to the article, and mixed and packed therewith, so as to increase its bulk or weight and reduce its quality; Section 408(a), a poisonous or deleterious pesticide chemical had been added to a raw agricultural commodity and no tolerance or exemption from the requirement of a tolerance had been prescribed by the Secretary of Health, Education, and Welfare.

Misbranding, Section 403(a), the labeling of the article was false and misleading; Section 403(e)(2), the article was in package form and it failed to bear a label containing an accurate statement of the quantity of contents in terms of weight, measure, or numerical count; Section 403(g)(2), the article purported to be or was represented as a food for which a definition and standard of identity had been prescribed by regulations and its label failed to bear the common name of the optional ingredient present in the food as specified in the definition and standard; Section 403(i)(2), the article was not subject to the provisions of Section 403(g) and it was fabricated from two or more ingredients and its label failed to bear the common name of each such ingredient.

BEVERAGES AND BEVERAGE MATERIALS*

26801. Green coffee. (F.D.C. No. 44494. S. No. 30-483 R.)

QUANTITY: 735 128-lb. bags at New Orleans, La.

SHIPPED: 4-17-60, from Mobile, Ala.

LIBELED: 6-10-60, E. Dist. La.

CHARGE: 402(a)(3)—contained insect-infested coffee beans while held for sale.

DISPOSITION: 9-27-60. Consent—claimed by Gillespie & Co. of New York, Inc., and exported to original supplier in Dutch Guinea.

26802. Green coffee and mustard seed. (F.D.C. No. 44771. S. Nos. 23-64 1/2 R.)

QUANTITY: 12 160-lb. bags of coffee beans and 6 100-lb. bags of mustard seed, at McAlester, Okla., in possession of Hale-Halsell Co.

SHIPPED: (Coffee) 3-17-60, from New Orleans, La., and (mustard seed) 6-22-60, from Dallas, Tex.

LIBELED: 8-11-60, E. Dist. Okla.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 9-7-60. Default—destruction.

26803. "Nippy" fruit drink. (F.D.C. No. 43403. S. Nos. 45-749/50 P.)

QUANTITY: 18 cases, each containing 12 10-oz. btls. of orange flavor, and 64 cases, each containing 12 10-oz. btls. of lemon flavor, at Amarillo, Tex.

*See also No. 26840.

SHIPPED: 6-17-59, from Pittsburgh, Pa., by Flavoripe Co., Inc.

LABEL IN PART: (Btl.) "Made with pure fruit juices Makes ½ gallon Drink Nippy Delicious Fruit Drink * * * Manufactured by the Flavoripe Co., Inc., Pittsburgh 1, Pa."

LIBELED: On or about 8-4-59, N. Dist. Tex.

CHARGE: 402(a)(3)—contained insects when shipped.

DISPOSITION: 1-25-60. Default—destruction.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

26804. Frozen lemon cream pies and frozen strawberry cream pies. (F.D.C. No. 43934. S. Nos. 77-698 P, 77-700 P.)

QUANTITY: 120 cases, each containing 6 individually ctnd. frozen lemon cream pies, and 88 cases, each containing 6 individually ctnd. frozen strawberry cream pies, at Detroit, Mich.

SHIPPED: 9-30-59, from Pottstown, Pa., by Mrs. Smith's Pie Co.

LABEL IN PART: (Ctn.) "Net Weight 1 Pound * * * Top Frost Frozen Lemon Cream Pie * * * Ingredients: Lemon juice, sugar, eggs, vegetable shortening, whipped cream, milk solids, cereal starch, salt, water, graham crackers, pectin, certified food coloring, and flavoring * * * Distributed by T & F Marketing Co., Inc., Chicago, Illinois" and "Net Weight 1 Pound * * * Top Frost Frozen Strawberry Cream Pie * * * Ingredients: Fresh Frozen Strawberries, sugar, eggs, vegetable shortening, whipped cream, milk solids, cereal starch, salt, water, graham crackers, pectin, certified food coloring, and flavoring * * * Distributed by T & F Marketing Co., Inc., Chicago, Illinois."

RESULTS OF INVESTIGATION: Examination showed that the whipped toppings of both lots contained little or no butterfat, a constituent of cream, and that the fat component of the toppings consisted principally or entirely of a fat other than butterfat.

LIBELED: About 12-8-59, E. Dist. Mich.

CHARGE: 402(b)(1)—when shipped, whipped cream, a valuable constituent, had been in whole or in part omitted from the articles; and 403(a)—the names of the articles, namely, "Strawberry or Lemon Cream Pie," together with the statement on the labels "Ingredients: * * * whipped cream," and the vignettes of the articles on the labels were false and misleading as applied to articles that contained little or no whipped cream; and 403(i)(2)—the articles were fabricated from two or more ingredients and their labels failed to bear the common or usual name of each ingredient since the labels designated "cereal starch" and "milk solids" as two of the ingredients, and, in addition, the articles contained lard and their labels failed to bear the name of that ingredient.

DISPOSITION: 1-11-60. Default—delivered to a charitable institution.

FLOUR

26805. Flour. (F.D.C. No. 44728. S. Nos. 7-040 R, 7-542 R.)

QUANTITY: 143 100-lb. bags at Worcester, Mass., in possession of Massachusetts Bread Co., Inc.

SHIPPED: 5-10-60, from Lockport, N.Y.

LIBELED: 7-18-60, Dist. Mass.

CHARGE: 402(a)(3)—contained insects and insect larvae; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 8-22-60. Consent—claimed by Massachusetts Bread Co., Inc., and converted into animal feed.

26806. Flour. (F.D.C. No. 44775. S. No. 49-306 R.)

QUANTITY: 46 100-lb. bags at El Paso, Tex.

SHIPPED: 1-16-60, from Denver, Colo.

LIBELED: 8-16-60, W. Dist. Tex.

CHARGE: 402(a)(3)—contained insects and insect parts while held for sale.

DISPOSITION: 10-5-60. Default—delivered to a Federal institution for use as animal feed.

26807. Flour. (F.D.C. No. 44794. S. Nos. 31-696/700 R.)

QUANTITY: 204 25-lb. bags and 217 10-lb. bags at Mobile, Ala., in possession of Campbell Grocery Co.

SHIPPED: Between 6-26-60 and 8-15-60, from Chattanooga, Tenn., Louisville, Ky., and Philadelphia, Miss.

LIBELED: 9-12-60, S. Dist. Ala.

CHARGE: 402(a)(3)—contained insects; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 10-18-60. Default—denatured for use as animal feed.

26808. Flour. (F.D.C. No. 44787. S. Nos. 30-394/5 R.)

QUANTITY: 226 25-lb. bags at Mobile, Ala., in possession of Campbell Grocery Co.

SHIPPED: Between 5-12-50 and 7-29-60, from Fort Worth, Tex., and Trenton, Ill.

LIBELED: 9-1-60, S. Dist. Ala.

CHARGE: 402(a)(3)—contained insects; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 10-18-60. Default—denatured for use as animal feed.

26809. Flour and unpopped popcorn. (F.D.C. No. 44717. S. Nos. 2-202/3 R, 2-205/6 R.)

QUANTITY: 26 50-lb. bags of flour, and 39 cases, 24 1-lb. bags each, and 9 cases, 12 32-oz. bags each, of popcorn, at Gastonia, N.C., in possession of J. F. Bess & Co.

SHIPPED: (Flour) 5-9-60 and 5-19-60, from Clafin, Kans., and (popcorn) 10-14-59 and 2-23-60, from Nashville, Tenn.

LIBELED: 7-14-60, W. Dist. N.C.

CHARGE: 402(a)(3)—contained (flour) rodent urine, and (popcorn) insects; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 10-18-60. Default—destruction.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS*

26810. Rice. (F.D.C. No. 44781. S. No. 40-302 R.)

QUANTITY: 61 25-lb. bags at St. Louis, Mo.

*See also No. 26809.

SHIPPED: 3-11-60, from Stuttgart, Ark.

LIBELED: 8-24-60, E. Dist. Mo.

CHARGE: 402(a)(3)—contained insects and insect parts while held for sale.

DISPOSITION: 10-14-60. Default—delivered to a State agency for use as animal feed.

26811. Rice and raisins. (F.D.C. No. 44842. S. Nos. 2-213/4 R, 45-688/9 R.)

QUANTITY: 11 100-lb. bags and 260 10-lb. bags of rice, and 38 30-lb. ctns. of raisins, at Charlotte, N.C., in possession of Thomas & Howard Co.

SHIPPED: Between 3-20-59 and 4-18-60, from Oakland, Calif., and Stuttgart, Ark.

LIBELED: 8-11-60, W. Dist. N.C.

CHARGE: 402(a)(3)—contained insects; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 10-12-60. Default—destruction.

26812. Rice and unpopped popcorn. (F.D.C. No. 43659. S. Nos. 90-180 P, 90-281 P.)

QUANTITY: 19 100-lb. bags of rice and 182 100-lb. bags of popcorn, at Boston, Mass.

SHIPPED: 8-6-59 and 9-8-59, from Stuttgart, Ark., and Schaller, Iowa.

LIBELED: 11-6-59, Dist. Mass.

CHARGE: 402(a)(3)—contained insects, insect fragments, and insect excreta pellets while held for sale.

DISPOSITION: Rice: 4-5-60. Default—destruction. Popcorn: 6-21-60. Consent—claimed by Central Popcorn Co., Schaller, Iowa, and denatured for use as animal feed.

26813. Wheat (2 seizure actions). (F.D.C. Nos. 44129, 44130. S. Nos. 20-973 R, 21-195 R, 21-669 R.)

QUANTITY: 240,000 lbs. and 104,250 lbs. at Detroit, Mich.

SHIPPED: (240,000 lbs.) 4-8-60 and 4-9-60, from Sycamore, Ohio, by Sycamore Mill & Supply Co.; and (104,250 lbs.) 4-12-60, from Glenmore, Ohio, by Glenmore Farms.

LIBELED: 4-18-60, E. Dist. Mich.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 5-10-60. Sycamore Mill & Supply Co., claimant for the 240,000-lb. lot, and Glenmore Farms, claimant for the 104,250-lb. lot, having consented to the entry of a decree, judgment of condemnation was entered. The article was released under bond to be denatured for use as animal feed.

26814. Wheat. (F.D.C. No. 44477. S. No. 43-291 R.)

QUANTITY: 117,000 lbs. at Spokane, Wash.

SHIPPED: 5-12-60, from Brockway, Mont., by Farmers Union Elevator.

LIBELED: 6-2-60, E. Dist. Wash.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 7-1-60. Consent—claimed by Farmers Union Grain Terminal Association and denatured for use as animal feed.

26815. Wheat. (F.D.C. No. 44514. S. No. 28-971 R.)

QUANTITY: 42,120 lbs. at Minneapolis, Minn.

SHIPPED: 6-30-60, from Bowdon, N. Dak., by Bowdon Grain Co.

LIBELED: 7-6-60, Dist. Minn.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 7-12-60. Consent—claimed by Bowdon Grain Co., and denatured.

26816. Wheat. (F.D.C. No. 44701. S. No. 44-371 R.)

QUANTITY: 44,400 lbs. at Seattle, Wash.

SHIPPED: 6-9-60, from Power, Mont., by Power Farmers Elevator Co.

LIBELED: 6-30-60, W. Dist. Wash.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 7-12-60. Consent—claimed by Farmers' Union Grain Terminal Association, Great Falls, Mont., and denatured for use as animal feed.

26817. Wheat. (F.D.C. No. 44753. S. No. 30-240 R.)

QUANTITY: 80,000 lbs, at Duluth, Minn.

SHIPPED: 6-30-60, from Hannah, N. Dak., by Hannah Farmers Cooperative Elevator Co.

LIBELED: 7-22-60, Dist. Minn.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 7-25-60. Consent—claimed by Hannah Farmers Cooperative Elevator Co., and denatured.

26818. Wheat. (F.D.C. No. 44752. S. No. 14-190 R.)

QUANTITY: 114,000 lbs. at Bensenville, Ill.

SHIPPED: 7-9-60, from Odon, Ind., by Odon Milling Co.

LIBELED: 7-19-60, N. Dist. Ill.

CHARGE: 402(a)(2)—the article was a raw agricultural commodity and, when shipped, contained a pesticide chemical, namely, a mercurial compound, which is unsafe within the meaning of 408 since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on wheat has been prescribed by regulations.

DISPOSITION: 7-26-60. Consent—claimed by Odon Milling Co. Segregated; 3,400 lbs. destroyed.

26819. Wheat. (F.D.C. No. 44523. S. No. 27-324 R.)

QUANTITY: 36,000 lbs. at Minneapolis, Minn.

SHIPPED: 7-1-60, from Wibaux, Mont., by Occident Elevator Co.

LIBELED: 7-13-60, Dist. Minn.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 7-27-60. Consent—claimed by Occident Elevator Co. Segregated; 1,130 lbs. converted into animal feed.

26820. Wheat. (F.D.C. No. 44776. S. No. 44-027 R.)

QUANTITY: 42,130 lbs. at Seattle, Wash.

SHIPPED: 8-10-60, from Perma, Mont., by Western Grain Supply Co.

LIBELED: 8-19-60, W. Dist. Wash.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 8-26-60. Consent—claimed by Coast Trading Co., Inc., Spokane, Wash., and denatured for use as animal feed.

26821. Wheat. (F.D.C. No. 44798. S. No. 45-211 R.)

QUANTITY: 92,700 lbs. at Seattle, Wash.

SHIPPED: 8-26-60, from Cooper's Spur, Mont., by John Zoller.

LIBELED: 9-19-60, W. Dist. Wash.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 9-27-60. Consent—claimed by Martin M. Lanser, t/a Martin M. Lanser Co., Seattle, Wash., and denatured for use as animal feed.

26822. Wheat. (F.D.C. No. 44799. S. Nos. 48-404/6 R.)

QUANTITY: 355,625 lbs. at Kansas City, Kans.

SHIPPED: 9-14-60, from Denver, Colo., by Colorado Milling & Elevator Co.

LIBELED: 9-22-60, Dist. Kans.

CHARGE: 402(a)(3)—contained musty, moldy, and sour wheat when shipped.

DISPOSITION: 9-24-60. Consent—claimed by Mid-Continent Grain Co., Kansas City, Mo., and denatured for use as animal feed.

26823. Wheat. (F.D.C. No. 44802. S. No. 44-350 R.)

QUANTITY: 120,000 lbs. at Seattle, Wash.

SHIPPED: 9-10-60, from Conrad, Mont., by Cargill, Inc.

LIBELED: 9-26-60, W. Dist. Wash.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 10-7-60. Consent—claimed by Cargill, Inc., Minneapolis, Minn., and denatured for use as animal feed.

26824. Unpopped popcorn. (F.D.C. No. 44780. S. No. 40-150 R.)

QUANTITY: 52 cases, 12 2-lb. bags each, and 47 cases, 24 1-lb. bags each, at Blytheville, Ark.

SHIPPED: 3-11-60, from Ridgway, Ill.

LIBELED: 8-26-60, E. Dist. Ark.

CHARGE: 402(a)(3)—contained insects and insect parts while held for sale.

DISPOSITION: 9-22-60. Default—delivered to a public institution for use as animal feed.

26825. Hush puppy mix and cornmeal battercake mix. (F.D.C. No. 44841. S. Nos. 26-345/6 R.)

QUANTITY: 500 cases, 12 8-oz. ctns. each, of hush puppy mix, and 1,000 cases, 12 8-oz. ctns. each, of cornmeal battercake mix, at Los Angeles, Calif.

SHIPPED: 4-23-59, from Port Republic, Va.

LIBELED: 8-8-60, S. Dist. Calif.

CHARGE: 402(a)(3)—contained insects, insect webbing, and insect excreta while held for sale.

DISPOSITION: 9-9-60. Default—destruction.

EGGS

26826. Frozen eggs and frozen egg whites. (F.D.C. No. 41400. S. No. 18-181 P.)

QUANTITY: 2,700 30-lb. cans at Nashville, Tenn.

SHIPPED: Between 7-1-57 and 1-21-58, from Gainesville, Ga., by Technical Egg Products, Inc.

LIBELED: 2-12-58, M. Dist. Tenn.; amended 2-18-58.

CHARGE: 402(a)(3)—contained decomposed eggs when shipped.

DISPOSITION: On 4-16-58, the claimant, Technical Egg Products, Inc., Nashville, Tenn., having consented, a decree of condemnation was entered providing that approximately 800 cans of frozen whole eggs be released under bond to the claimant for conversion into tanners eggs. The remaining cans of egg whites remained under seizure.

On 5-28-58, a consent decree of condemnation was entered providing that the cans of egg whites be released to the claimant under bond for conversion to technical albumen. The decree provided also that the process of conversion was to be completed within 30 days from the filing of the bond; and that if claimant failed to abide by and perform all the terms and conditions of the decree, the bond was to be forfeited.

Thereafter, the claimant failed to convert a portion of the cans of egg whites to technical albumen, and on 7-28-59, the Government filed a motion for bond forfeiture and return and destruction of the article.

Aetna Casualty & Surety Co., the surety on the bond, appeared and filed an answer to libelant's motion to forfeit the bond. On 6-2-60, upon consent of the parties, the court ordered:

- (1) That the bond be forfeited to the Government;
- (2) That the amount of the bond be remitted to the surety on payment of \$175 supervisory costs, plus costs of the destruction of the article; and
- (3) That the surety have judgment against Technical Egg Products, Inc., for the amount incurred under the bond, unless Technical Egg Products, Inc., showed cause within 10 days why judgment should not be had against them.

26827. Frozen eggs. (F.D.C. No. 44472. S. No. 9-612 R.)

QUANTITY: 960 30-lb. cans at Holley, N.Y.

SHIPPED: 3-28-60, from Chicago, Ill., by Wilson & Co., Inc.

LABEL IN PART: (Can) "Pride of Winder Whole Eggs, Winder Produce Corp. Winder and Atlanta, Ga."

LIBELED: 5-27-60, W. Dist. N.Y.

CHARGE: 402(a)(3)—contained decomposed eggs when shipped.

DISPOSITION: 7-6-60. Consent—claimed by Wilson & Co., Inc. Segregated; 323 cans destroyed.

26828. Frozen eggs. (F.D.C. No. 44596. S. No. 32-532 R.)

QUANTITY: 650 30-lb. cans at Brooklyn, N.Y.

SHIPPED: 4-5-60, from Portland, Oreg., by Helfer-King, Inc.

LABEL IN PART: "Whole Eggs * * * Oregon Egg & Poultry Co. 3544 Milwaukee Ave. Portland Oreg. BE * * * 5289 111."

LIBELED: 6-13-60, E. Dist. N.Y.

CHARGE: 402(a)(3)—contained decomposed eggs when shipped.

DISPOSITION: 7-20-60. Consent—claimed by Helfer-King, Inc., New York, N.Y. Segregated; 203 cans denatured.

26829. Frozen eggs. (F.D.C. No. 44595. S. No. 32-689 R.)

QUANTITY: 1,154 30-lb. cans at Brooklyn, N.Y.

SHIPPED: 4-4-60, from Los Angeles, Calif., by Dairy Fresh Products.

LABEL IN PART: "Whole Egg Packed by Dairy Fresh Products Los Angeles, Calif."

LIBELED: 6-13-60, E. Dist. N.Y.

CHARGE: 402(a)(3)—contained decomposed eggs when shipped.

DISPOSITION: 8-25-60. Consent—claimed by Helfer-King, Inc., New York, N.Y. Segregated; 252 cans denatured.

26830. Frozen eggs. (F.D.C. No. 44759. S. No. 9-255 R.)

QUANTITY: 100 30-lb. cans at Altoona, Pa.

SHIPPED: 7-19-60, from Zanesville, Ohio, by Ballas Egg Products Co., Inc.

LABEL IN PART: (Lid & can) "Whole Eggs * * * Distributed by Ballas Egg Products Co., Inc. Zanesville, Ohio."

LIBELED: 7-29-60, W. Dist. Pa.

CHARGE: 402(a)(3)—contained decomposed eggs when shipped.

DISPOSITION: 8-25-60. Default—destruction.

26831. Frozen eggs. F.D.C. No. 44803. S. No. 39-703 R.)

QUANTITY: 250 30-lb. cans at Memphis, Tenn.

SHIPPED: Between 6-1-60 and 8-10-60, from Batesville and Piggott, Ark.

LIBELED: 9-28-60, W. Dist. Tenn.

CHARGE: 402(a)(3)—contained decomposed eggs while held for sale.

DISPOSITION: 10-6-60. Consent—delivered to a public institution for use as animal feed.

FISH AND SHELLFISH

26832. Frozen carp. (F.D.C. No. 44677. S. No. 32-538 R.)

QUANTITY: 506 lbs. at New York, N.Y.

SHIPPED: 2-27-60, from outside the State of New York.

LIBELED: 7-6-60, S. Dist. N.Y.

CHARGE: 402(a)(3)—contained decomposed fish while held for sale.

DISPOSITION: 7-29-60. Default—destruction.

26833. Frozen whitefish. (F.D.C. No. 44693. S. No. 32-539 R.)

QUANTITY: 15 60-lb. boxes at New York, N.Y.

SHIPPED: On an unknown date, from Canada.

LIBELED: 7-6-60, S. Dist. N.Y.

CHARGE: 402(a)(3)—contained decomposed fish while held for sale.

DISPOSITION: 7-29-60. Default—destruction.

26834. Frozen ocean perch fillets. (F.D.C. No. 44694. S. No. 7-337 R.)

QUANTITY: 331 cases, 16,560 lbs. total, at Gloucester, Mass.

SHIPPED: These fillets were from fish caught by the fishing vessel "Sea Queen" in the waters of the Atlantic Ocean outside the limits of Massachusetts, on June 10, 1960.

LIBELED: 6-27-60, Dist. Mass.

CHARGE: 402(a)(3)—contained parasitic copepods and pus pockets when shipped.

DISPOSITION: 7-27-60. Consent—claimed by State Fisheries, Inc., Gloucester, Mass. Segregated; 2,060 lbs. destroyed.

26835. Frozen haddock fillets. (F.D.C. No. 44724. S. No. 6-820 R.)

QUANTITY: 92 ctns., each containing 10 lbs. of frozen haddock fillets, cellophane wrapped, at Boston, Mass.

SHIPPED: These fillets were from fish caught by the fishing vessel "Flying Cloud" in the waters of the Atlantic Ocean outside the limits of Massachusetts, between June 25, 1960 and June 30, 1960.

LIBELED: 7-15-60, Dist. Mass.

CHARGE: 402(a)(3)—contained decomposed fillets when shipped.

DISPOSITION: 9-13-60. Default—delivered to a public institution for use as animal feed.

26836. Canned salmon. (F.D.C. No. 44791. S. No. 43-746 R.)

QUANTITY: 319 cases, 12 4-lb. cans each, at McKees Rocks, Pa.

SHIPPED: 8-19-60, from Seattle, Wash., by Emard Packing Co., Inc.

LABEL IN PART: (Can) "Kenmore * * * Salmon Salt added Distributed by John Sexton and Company * * * Chicago, Ill."

LIBELED: 9-8-60, W. Dist. Pa.

CHARGE: 402(a)(3)—contained decomposed salmon when shipped.

DISPOSITION: 10-7-60. Default—destruction.

26837. Oysters. (F.D.C. No. 44653. S. No. 66-641 P.)

INFORMATION FILED: 9-12-60, E. Dist. Va., against William V. Birch, t/a William C. Bunting, Chincoteague, Va.

SHIPPED: 12-17-59, from Virginia to New York.

LABEL IN PART: (Can) "Wm. C. BUNTING Tom's Cove Oysters OWNED AND OPERATED BY WILLIAM V. BIRCH PACKED BY WM. C. BUNTING CHINCOTEAGUE VA. 1 U.S. GALLON."

CHARGE: 402(b)(2)—when shipped, water had been substituted in part for oysters; and 402(b)(4)—water had been added to the article, and mixed and packed therewith, so as to increase its bulk or weight and reduce its quality.

PLEA: Guilty.

DISPOSITION: 9-16-60. \$400 fine.

FRUITS AND VEGETABLES*

FROZEN FRUIT

26838. Frozen red raspberries. (F.D.C. No. 44725. S. No. 12-613 R.)

QUANTITY: 50 28-lb. cans at Chicago, Ill.

SHIPPED: 4-29-60, from Puyallup, Wash., by National Fruit Canning Co.

LABEL IN PART: (Can) "No Sugar * * * Red Raspberries Distributed by National Fruit Canning Co. Seattle, Washington."

*See also No. 26811.

LIBELED: 7-14-60, N. Dist. Ill.

CHARGE: 402(a)(3)—contained moldy raspberries when shipped.

DISPOSITION: 8-15-60. Default—destruction.

MISCELLANEOUS FRUIT PRODUCTS*

26839. Mixed glace fruits. (F.D.C. No. 44774. S. No. 40-146 R.)

QUANTITY: 46 cases, 12 1-lb. ctns. each, at Fayetteville, Ark., in possession of McCord-Ozark Co.

SHIPPED: 10-15-58, from San Francisco, Calif.

LIBELED: 8-12-60, W. Dist. Ark.

CHARGE: 402(a)(3)—contained insects, insect excreta, rodent hairs, and moldy fruit; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 9-27-60. Default—destruction.

26840. Apple cider. (F.D.C. No. 44786. S. No. 40-069 R.)

QUANTITY: 192 cases, 6½-gal. btls. each, at Springfield, Mo.

SHIPPED: 10-9-59 and 10-24-59, from Bailey, Mich.

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing decomposition.

LIBELED: 9-1-60, W. Dist. Mo.

CHARGE: 402(a)(3)—contained a decomposed substance while held for sale.

DISPOSITION: 10-19-60. Default—destruction.

VEGETABLES AND VEGETABLE PRODUCTS

26841. Canned cream peas. (F.D.C. No. 44739. S. Nos. 38-951 R, 39-223 R.)

QUANTITY: 122 cases, 24 cans each, at Memphis, Tenn.

SHIPPED: 5-18-60 and 6-7-60, from Spiro, Okla., by Fresh Canning Co.

LABEL IN PART: (Can) "Baby Shug Fresh Texas Cream Peas * * * Net Contents 15½ Oz. Avoir. Packed by Fresh Canning Co., Spiro, Okla."

RESULTS OF INVESTIGATION: Examination showed the article to be canned field peas and to be short weight.

LIBELED: 7-22-60, W. Dist. Tenn.

CHARGE: 403(a)—when shipped, the word "Fresh" in the legend "Fresh Texas Cream Peas," was false and misleading as applied to a processed food; 403(e)(2)—the article failed to bear an accurate statement of the quantity of contents; and 403(g)(2)—the article was represented as canned peas, a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear the name of the optional pea ingredient present in such food.

DISPOSITION: 9-6-60. Default—delivered to a public institution for use as animal feed.

26842. Dried mung beans. (F.D.C. No. 44783. S. No. 9-721 R.)

QUANTITY: 22 100-lb. bags at Batavia, N.Y.

SHIPPED: Five or six years ago, from British East Africa.

LIBELED: 8-25-60, W. Dist. N.Y.

*See also No. 26803.

CHARGE: 402(a)(3)—contained insects, insect parts, rodent hairs, and rodent excreta pellets while held for sale.

DISPOSITION: 9-29-60. Default—destruction.

26843. Dried black-eyed peas. (F.D.C. No. 44843. S. No. 45-367 R.)

QUANTITY: 550 cases, 24 1-lb. bags each, at La Grange, Ga.

SHIPPED: 5-26-60, from Mobile, Ala.

LIBELED: 8-5-60, N. Dist. Ga.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 10-28-60. Default—destruction.

26844. Cucumbers in brine. (F.D.C. No. 44723. S. No. 6-916 R.)

QUANTITY: 12,500 gals. at Boston, Mass., in possession of R & S Pickle Works, Inc.

SHIPPED: Between 7-15-59 and 9-9-59, from Derry and Stratham, N.H., and Hatfield, Mass.

LIBELED: 7-14-60, Dist. Mass.

CHARGE: 402(a)(3)—contained insects, maggots, and decomposed cucumbers; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 8-22-60. Consent—claimed by R & S Pickle Works, Inc., and reconditioned.

26845. Pickles and pickle products (2 seizure actions). (F.D.C. Nos. 43813, 44009. S. Nos. 40-398 P, 48-908/11 P.)

QUANTITY: 5 bbls. onions, 18 bbls. gherkins, 4 bbls. alcaparrone, 165 bbls. peperoncini, 3 bbls. olives, 7 bbls. cut green beans, 120 cases of 24 8-oz. jars and 59 cases of 4 1-gal. jars of pickled mixed vegetables, and 200 cases of 24 8-oz. jars and 300 cases of 4 1-gal. jars of peperoncini, at Oakdale and San Francisco, Calif.

SHIPPED: The onions, gherkins, alcaparrone, peperoncini, and olives were imported from Italy between 10-15-57 and 11-22-57. The green beans were shipped on 8-3-57, from Eugene, Oreg. Such products were subsequently received by the Giambanco Wine Vinegar Plant at Oakdale, Calif. Portions of such products were subsequently used in the preparation of the pickled mixed vegetables by such plant and of those vegetables so prepared 11 cases were shipped to San Francisco by such plant on 11-13-59.

LABEL IN PART: (Some jars) "Pee Gee Brand PG Imported Italian Giardiniera Mixed Vegetables Contents 8 lb. * * * Packed in U.S.A. By Giambanco Wine Vinegar Plant, Oakdale, Calif." and "Sun Blest Imported Italian Giardiniera Mixed Vegetables in Wine Vinegar * * * Tiedemann & McMorran, Inc. * * * San Francisco."

LIBELED: 11-23-59 and 12-28-59, N. Dist Calif.

CHARGE: 402(a)(3)—while held for sale, contained flies and other insect filth; and 402(a)(4)—prepared, packed, and held under insanitary conditions.

DISPOSITION: 2-15-60. The seizure actions having been consolidated and the Giambanco Wine Vinegar Plant, Oakdale, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the products were released under bond to be brought into compliance with the law. The articles were segregated with the result that 65 5/6 bbls. peperoncini, 4 bbls. capers, and 10 bbls. of pickles were found to be good and were released

to the claimant; the remainder of the articles were found to be unfit and were destroyed.

TOMATOES AND TOMATO PRODUCT

26846. Canned tomatoes. (F.D.C. No. 44593. S. No. 6-600 R.)

QUANTITY: 259 cases, 48 10-oz. cans each, at Somerville, Mass.

SHIPPED: 3-29-60 and 4-11-60, from Fredonia, N.Y., by Sunset Frozen Foods, Inc.

LABEL IN PART: (Can) "Richmond Peeled Tomatoes * * * Distributed by First National Stores, Inc., Somerville, Mass."

LIBELED: 5-31-60, Dist. Mass.

CHARGE: 402(a) (3)—contained fly eggs and maggots when shipped.

DISPOSITION: 9-14-60. Default—destruction.

26847. Canned tomatoes. (F.D.C. No. 43619. S. No. 72-820 P.)

QUANTITY: 328 cases, 24 1-lb. cans each, at Jersey City, N.J.

SHIPPED: 9-2-59, from Elwood, Md., by Albert W. Sisk & Son.

LABEL IN PART: (Can) "Pride of the Farm Brand Peeled Tomatoes * * * Albert W. Sisk and Son Distributors * * * Preston, Md. and Aberdeen, Md."

LIBELED: 10-27-59, Dist. N.J.

CHARGE: 402(a) (3)—contained fly eggs and maggots; and 402(a) (4)—prepared and packed under insanitary conditions.

DISPOSITION: 12-14-59. Default—destruction.

26848. Tomato puree. (F.D.C. No. 44755. S. No. 20-960 R.)

QUANTITY: 296 cases, 6 6-lb. 10-oz. cans each, at Saint Henry, Ohio.

SHIPPED: 5-25-60, from Newport, Ky., by John Ahlbrand.

LABEL IN PART: (Can) "Knight's Tomato Puree * * * Distributed by John Ahlbrand, Newport, Ky."

LIBELED: 7-22-60, N. Dist. Ohio.

CHARGE: 402(a) (3)—contained house fly eggs, *Drosophila* fly eggs, and maggots when shipped.

DISPOSITION: 8-26-60. Default—destruction.

NUTS

26849. Unshelled mixed nuts. (F.D.C. No. 44063. S. No. 80-714 P.)

QUANTITY: 445 cases, 24 13-oz. boxes each, at Detroit, Mich.

SHIPPED: 4-14-59, from New York, N.Y.

LIBELED: 3-2-60, E. Dist. Mich.

CHARGE: 402(a) (3)—contained insects, moldy, decomposed, and shriveled nuts, and empty shells while held for sale.

DISPOSITION: 4-7-60. Consent—claimed by Graham Co., Inc., New York, N.Y., and Marks & Goergens, Inc., Detroit, Mich. Segregated; 932 lbs. destroyed.

26850. Unshelled mixed nuts. (F.D.C. No. 44077. S. No. 80-719 P.)

QUANTITY: 241 50-lb. bags at Detroit, Mich.

SHIPPED: 12-1-59, from New York, N.Y.

LABELED: 3-4-60, E. Dist. Mich.

CHARGE: 402(a)(3)—contained insects and decomposed nuts while held for sale.

DISPOSITION: 4-7-60. Consent—claimed by Graham Co., Inc., New York, N.Y., and Marks & Goergens, Inc., Detroit, Mich. Segregated; 1,973 lbs. destroyed.

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SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

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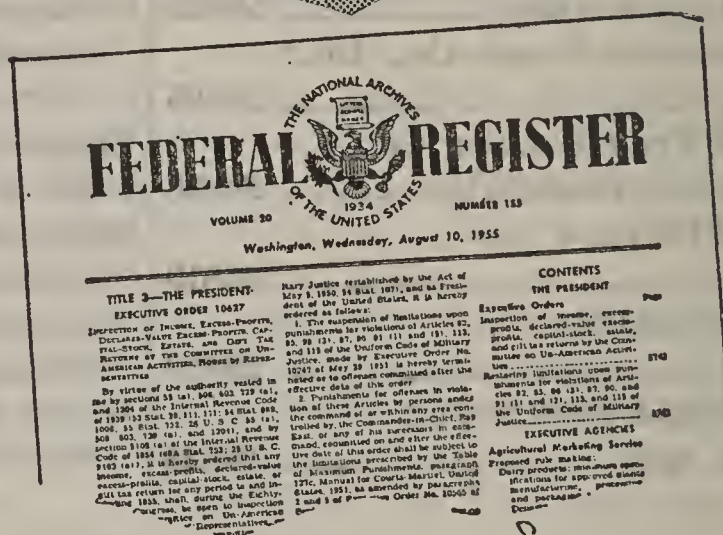
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Fresh Canning Co. :		Sisk, Albert W., & Son :	
canned cream peas-----	26841	canned tomatoes-----	26847
Giambanco Wine Vinegar Plant :		Smith, Mrs., Pie Co. :	
pickles and pickle products---	26845	frozen lemon cream pies and	
Glenmore Farms :		frozen strawberry cream	
wheat-----	26813	pies-----	26804
Hale-Halsell Co. :		Sunset Frozen Foods, Inc. :	
green coffee and mustard seed--	26802	canned tomatoes-----	26846
Hannah Farmers Cooperative		Sycamore Mill & Supply Co. :	
Elevator Co :		wheat-----	26813
wheat-----	26817	T & F Marketing Co. :	
Helfer-King, Inc. :		frozen lemon cream pies and	
frozen eggs-----	26828	frozen strawberry cream	
McCord-Ozark Co. :		pies-----	26804
mixed glace fruits-----	26839	Technical Egg Products, Inc. :	
Massachusetts Bread Co., Inc. :		frozen eggs and frozen egg	
flour-----	26805	whites-----	26826
National Fruit Canning Co. :		Thomas & Howard Co. :	
frozen red raspberries-----	26838	rice and raisins-----	26811
Occident Elevator Co. :		Tiedemann & McMorran, Inc. :	
wheat-----	26819	pickles and pickle products---	26845
Odon Milling Co. :		Western Grain Supply Co. :	
wheat-----	26818	wheat-----	26820
Oregon Egg & Poultry Co. :		Wilson & Co., Inc. :	
frozen eggs-----	26828	frozen eggs-----	26827

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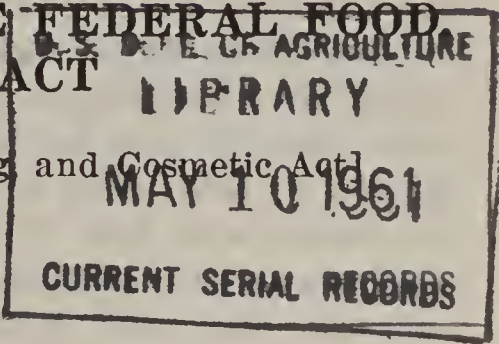
U.S. Department of Health, Education, and Welfare
FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD
DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug and Cosmetic Act]

26851-26950

FOODS



The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were adulterated or misbranded within the meaning of the Act when introduced into and while in interstate commerce, or while held for sale after shipment in interstate commerce. These cases involve (1) seizure proceedings in which decrees of condemnation were entered by default, or by consent; (2) criminal proceedings which were terminated upon pleas of guilty or nolo contendere, or by a judgment of guilty after trial; and (3) an injunction proceeding terminated upon the entry of a permanent injunction by consent. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal and injunction proceedings are against the *firms* or *individuals* charged to be responsible for violations.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D.C., April 13, 1961.

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SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS
REPORTED IN F.N.J. NOS. 26851-26950

Adulteration, Section 402(a) (1), the article, in one case, contained a deleterious substance which might render it injurious to health; Section 402(a) (2) (A), the article, in two cases, contained an added poisonous or deleterious substance which was unsafe within the meaning of Section 406; Section 402(a) (2) (B), the article, in one case, was a raw agricultural commodity and contained a pesticide chemical which was unsafe within the meaning of Section 408; Section 402(a) (3), the article consisted in part of a filthy or decomposed substance, or was otherwise unfit for food; Section 402(a) (4), the article had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth; Section 402(b) (1), a valuable constituent had been in whole or in part omitted or abstracted from the article; Section 402(b) (2), a substance had been substituted in whole or in part for the article; Section 402(b) (4), a substance had been added to the article or mixed or packed with it so as to increase its bulk or weight and reduce its quality or strength; Section 402(e), the article, in one case, was butter and the raw material used therein consisted in whole or in part of a decomposed substance; Section 406, a poisonous or deleterious substance was added to food when such substance was not required in the production thereof and could have been avoided by good manufacturing practice; and Section 408(a), a poisonous or deleterious pesticide chemical had been added to a raw agricultural commodity and no tolerance or exemption from the requirement of a tolerance had been prescribed by the Secretary of Health, Education, and Welfare.

Misbranding, Section 403(a), the labeling of the article was false and misleading; Section 403(e) (2), the article was in package form, and it failed to bear a label containing an accurate statement of the quantity of contents in terms of weight, or numerical count; Section 403(g) (1), the article purported to be and was represented as a food for which a definition and standard of identity had been prescribed by regulations, and it failed to conform to such definition and standard; Section 403(h) (1), the article purported to be and was represented as a food for which a standard of quality had been prescribed by regulations and it fell below such standard and its label failed to bear a statement that it fell below such standard; and Section 403(i) (2), the article was not subject to the provisions of Section 403(g) and was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each ingredient.

BEVERAGES AND BEVERAGE MATERIALS

26851. Green coffee. (F.D.C. No. 43791. S. No. 74-130 P.)

QUANTITY: 28 130-lb. bags at New Orleans, La.

SHIPPED: 8-26-59, from Brazil.

LIBELED: 11-5-59., E. Dist. La.

CHARGE: 402(a) (3)—contained insects while held for sale.

DISPOSITION: 8-18-60. Consent—claimed by L. J. Dittman Coffee Co., New Orleans, La., and exported to original supplier in Dutch Guinea.

26852. Green coffee. (F.D.C. No. 43792. S. No. 74-132 P.)

QUANTITY: 68 130-lb. bags at New Orleans, La.

SHIPPED: On an unknown date, from Brazil.

LIBELED: 11-5-59, E. Dist. La.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 11-25-60. Consent—claimed by Gillespie & Co. of New York, Inc., New York, N.Y., and exported to original supplier in Dutch Guinea.

26853. Green coffee. (F.D.C. No. 45014. S. No. 33-560 R.)

QUANTITY: 4 sacks, 600 lbs. total, at Brooklyn, N.Y.

SHIPPED: 2-25-60, from Ponce, P.R.

RESULTS OF INVESTIGATION: Examination showed that the article was submerged in polluted river water. The contamination occurred as a result of a storm on 9-13-60, which flooded the pier at Brooklyn, N.Y., where the article was stored.

LIBELED: 10-31-60, E. Dist. N.Y.

CHARGE: 402(a)(4)—held under insanitary conditions while in interstate commerce.

DISPOSITION: 12-27-60. Default—destruction.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

26854. Bread. (F.D.C. No. 44311. S. Nos. 56-936 P, 57-141/2 P.)

INFORMATION FILED: 5-25-60, S. Dist. Ga., against H. H. Claussen's Sons, Inc., Savannah, Ga.

SHIPPED: 9-24-59 and 10-23-59, from Georgia to South Carolina.

LABEL IN PART: (Pkg.) "Claussen's Sliced Enriched Bread."

CHARGE: 402(a)(3)—contained insect parts and rodent hair fragments; and 402(a)(4)—prepared and packed under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 10-28-60. \$200 fine.

26855. Bread and rolls. (F.D.C. No. 44317. S. Nos. 68-223/4 P, 68-227 P.)

INFORMATION FILED: 7-1-60, Dist. N.J., against Barbero's Bakery, Inc., Trenton, N.J., Angelo Barbero, president, and Enrico Savelli, vice president.

SHIPPED: 7-28-59 and 7-29-59, from New Jersey to Pennsylvania.

LABEL IN PART: "BARBERO'S ITALIAN FAMOUS TASTY CRUST BREAD NET WT. 12 OZ. 61 Conrad St. Trenton, N.J." and "BARBERO'S SIX HARD ROLLS WEIGHT 9 OZ. BARBERO'S BAKERY, TRENTON, N.J."

CHARGE: 402(a)(3)—contained insects and insect fragments; and 402(a)(4)—prepared under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 11-7-60. Corporation fined \$100; individuals placed on probation for 1 year.

26856. Poppyseed rolls. (F.D.C. No. 44327. S. No. 63-894 P.)

INFORMATION FILED: 5-24-60, Dist. Conn., against Karp Bros. Bakery, a partnership, Stamford, Conn.

SHIPPED: 6-16-59, from Connecticut to New York.

CHARGE: 402(a)(3)—contained rodent hair fragments and insect parts; and 402(a)(4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 6-29-60. \$300 fine and probation for 3 years.

26857. Biscuits. (F.D.C. No. 44306. S. No. 85-383 P.)

INFORMATION FILED: 5-10-60, Dist. N.J., against Daniel Arre, manager of Arre's Italian Tasty Crust Bakery, Newark, N.J.

SHIPPED: 10-27-59, from New Jersey to New York.

CHARGE: 402(a)(3)—contained rodent hair fragments; and 402(a)(4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 10-7-60. \$500 fine.

CORNMEAL

26858. Cornmeal, hominy grits, and flour. (F.D.C. No. 44853. S. Nos. 2-208/12 R.)

QUANTITY: 7 cases, 12 2-lb. bags each, and 7 cases, 10 5-lb. bags each, of cornmeal; 17 cases, 10 5-lb. bags each, of hominy grits; and 52 25-lb. bags of flour, at Salisbury, N.C., in possession of Thomas & Howard Co.

SHIPPED: Between 3-10-60 and 5-9-60, from Chattanooga, Tenn., and Denver, Colo.

LIBELED: 8-15-60, M. Dist. N.C.

CHARGE: 402(a)(3)—contained insects; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 9-23-60. Default—delivered to a charitable institution for use as animal feed.

26859. Cornmeal. (F.D.C. No. 44820. S. No. 22-373 R.)

QUANTITY: 34 bales, 10 5-lb. bags each, at Cushing, Okla., in possession of Cushing Wholesale Grocery Co.

SHIPPED: 3-18-60, from Kansas City, Mo.

LIBELED: 10-17-60, W. Dist. Okla.

CHARGE: 402(a)(3)—contained insects; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 12-6-60. Default—delivered to a public institution for use as animal feed.

FLOUR*

26860. Flour. (F.D.C. No. 43675. S. Nos. 1-346 P, 44-232 P, 44-341 P, 71-631/3 P, 71-635 P.)

INFORMATION FILED: 1-15-60, N. Dist. Fla., against J. Beryl Higdon, t/a Higdon Grocery Co., Quincy, Fla.

ALLEGED VIOLATIONS: Between 9-25-58 and 7-21-59, while quantities of flour were being held for sale after shipment in interstate commerce, the defendant caused the flour to be held in a building that was accessible to rodents and to be exposed to contamination by rodents, which acts resulted in the flour being adulterated.

*See also Nos. 26858, 26877.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 9-12-60. \$200 fine and probation for 2 years.

26861. Flour. (F.D.C. No. 44857. S. Nos. 35-667/8 R.)

QUANTITY: 86 100-lb. bags at Newark, N.J., in possession of Lehrhoff's Bakery.

SHIPPED: 4-28-60 and 6-16-60, from Winona, Minn., and Buffalo, N.Y.

LIBELED: 8-16-60, Dist. N.J.

CHARGE: 402(a)(3)—contained insects and insect fragments; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 9-27-60. Default—destruction.

26862. Flour. (F.D.C. No. 44867. S. Nos. 38-958/60 R, 38-962 R, 38-964 R.)

QUANTITY: 436 25-lb. bags at Memphis, Tenn.

SHIPPED: Between 12-31-59 and 7-15-60, from Inman and Buhler, Kans., and Wichita Falls, Tex.

LIBELED: 8-26-60, W. Dist. Tenn.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 9-27-60. Default—delivered to a public institution for use as animal feed.

26863. Flour and hominy grits. (F.D.C. No. 44336. S. Nos. 1-658 P, 44-348 P, 87-737/8 P.)

INFORMATION FILED: 7-25-60, N. Dist. Fla., against Daffin Mercantile Co., Inc., Tallahassee, Fla.

ALLEGED VIOLATIONS: Between 8-8-58 and 1-28-60, the defendant caused quantities of flour and hominy grits, while held for sale after shipment in interstate commerce, to be held in a building accessible to rodents, birds, and insects, and to be exposed to contamination by rodents, birds, and insects, which acts resulted in the articles being adulterated.

CHARGE: 402(a)(3)—contained a rodent, rodent excreta pellets, rodent urine, insects, insect larvae, insect cast skins, insect excreta, and bird excrement; and 402(a)(4)—held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 9-28-60. \$450 fine.

26864. Flour. (F.D.C. No. 44881. S. No. 4-370 R.)

QUANTITY: 52 100-lb. bags at Baltimore, Md.

SHIPPED: 7-13-60, from Arendtsville, Pa., by Arendtsville Roller Mills.

LABEL IN PART: (Bag) "Soft Wheat Flour Manufactured by Arendtsville Roller Mills, Arendtsville, Pa."

LIBELED: 9-2-60, Dist. Md.

CHARGE: 402(a)(3)—contained insects and insect fragments when shipped.

DISPOSITION: 10-3-60. Default—destruction.

26865. Flour. (F.D.C. No. 44795. S. Nos. 32-025/6 R.)

QUANTITY: 299 10-lb. bags and 211 25-lb. bags at Lutchter, La.

SHIPPED: 5-17-60 and 7-13-60, from Fort Worth, Tex.

LIBELED: 9-13-60, E. Dist. La.

CHARGE: 402(a)(3)—contained insects and insect larvae while held for sale.

DISPOSITION: 10-28-60. Default—destruction.

26866. Flour. (F.D.C. No. 44837. S. No. 60-061 R.)

QUANTITY: 330 100-lb. bags at Alexandria, La.

SHIPPED: 9-29-60, from Memphis, Tenn.

LIBELED: 10-25-60, W. Dist. La.

CHARGED: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 11-4-60. Consent—delivered to a public institution for use as animal feed.

26867. Flour. (F.D.C. No. 44827. S. Nos. 38-988 R., 38-991 R.)

QUANTITY: 418 100-lb. bags at Memphis, Tenn., in possession of Nickey Warehouses, Inc.

SHIPPED: 11-18-59 and 8-22-60, from Decatur, Ill., and Atchison, Kans.

LIBELED: 10-19-60, W. Dist. Tenn.

CHARGE: 402(a)(3)—contained insects; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 11-22-60. Default—delivered to a public institution for use as animal feed.

26868. Flour and doughnut base. (F.D.C. No. 44811. S. Nos. 38-975/6 R, 38-980 R.)

QUANTITY: 31 100-lb. bags of flour and 49 100-lb. bags of doughnut base at Memphis, Tenn., in possession of Nickey Warehouses, Inc.

SHIPPED: Between 5-6-60 and 7-1-60, from Ellicott City, Md., and Decatur, Ill.

LIBELED: 10-7-60, W. Dist. Tenn.

CHARGE: 402(a)(3)—contained insects; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 11-10-60. Default—delivered to a public institution for use as animal feed.

MACARONI AND NOODLE PRODUCTS

26869. Macaroni. (F.D.C. No. 44861. S. No. 37-304 R.)

QUANTITY: 24 20-lb. boxes at Newtown, Pa.

SHIPPED: 4-5-60, from Brooklyn, N.Y.

LIBELED: 8-17-60, E. Dist. Pa.

CHARGE: 402(a)(3)—contained insects and insect parts while held for sale.

DISPOSITION: 9-15-60. Default—destruction.

26870. Macaroni products. (F.D.C. No. 44744. S. Nos. 36-633/4 R.)

QUANTITY: 400 cases, 12 8-oz. cellophane bags each, of egg elbows, and 42 cases, 12 8-oz. cellophane bags each, of egg noodles, at Newtown, Pa.

SHIPPED: 6-6-60, from Brooklyn, N.Y., by G. Santoro & Sons, Inc.

LABEL IN PART: (Bag) "Golden Acres Whole Wheat Egg Elbows [or "Egg Noodles"] Ingredients: Bio-Dynamic Wheat, Eggs Distributed by Golden Acres Farm, Inc. Newtown, Pennsylvania."

LIBELED: 7-28-60, E. Dist. Pa.

CHARGE: 402(a)(3)—contained (egg noodles) insect fragments when shipped, and (egg elbows) insects while held for sale; 402(a)(4)—(egg noodles) prepared and packed under insanitary conditions; 403(e)(2)—(egg noodles) when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents; and 403(i)(2)—(both lots) when shipped, the articles had been fabricated from two or more ingredients and their labels failed to bear the common or usual name of each ingredient since "Bio-Dynamic Wheat" is not the common or usual name of this ingredient.

DISPOSITION: 9-14-60. Default—destruction.

26871. Egg noodles. (F.D.C. No. 44341. S. Nos. 73-352 P, 85-966/7 P.)

INFORMATION FILED: 7-29-60, S. Dist. N.Y., against Home-Way Real Egg Noodle Corp., Bronx, N.Y., and Albert Nehring, president of the corporation.

SHIPPED: 9-18-59 and 10-13-59, from New York to New Jersey.

CHARGE: 402(a)(3)—contained insects, insect fragments, rodent hairs, wood splinters, and metal fragments; and 402(a)(4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 10-5-60. Each defendant fined \$100; individual defendant placed on probation for 1 day pending payment of the fines.

MISCELLANEOUS CEREALS

26872. Unpopped popcorn. (F.D.C. No. 44760. S. Nos. 38-952/3 R.)

QUANTITY: 48 cases, 12 2-lb. bags each, and 175 cases, 24 1-lb. bags each, at Memphis, Tenn.

SHIPPED: 2-17-60 and 6-3-60, from Schaller, Iowa.

LIBELED: 8-2-60, W. Dist. Tenn.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 9-2-60. Default—delivered to a public institution for use as animal feed.

26873. Rice. (F.D.C. No. 44883. S. Nos. 2-984/7 R.)

QUANTITY: 23 shipping bags, 6 10-lb. cloth bags each, 406 25-lb. bags, and 10 100-lb. bags at Walterboro, S.C., in possession of Coastal Fruit Co.

SHIPPED: 6-6-60 and 7-6-60, from Stuttgart, Ark.

LIBELED: 9-8-60, E. Dist. S.C.

CHARGE: 402(a)(3)—contained insects; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 10-31-60. Default—delivered to a public institution for use as animal feed.

26874. Rice and chestnuts. (F.D.C. No. 44864. S. Nos. 7-416/8 R.)

QUANTITY: 13 100-lb. bags of rice and 25 55-lb. bags of chestnuts at South Boston, Mass.

SHIPPED: Between 7-2-59 and 2-16-60, from Genoa, Italy; Stuttgart, Ark.; and Beaumont, Tex.

LIBELED: 8-22-60, Dist. Mass.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 10-10-60. Default—destruction.

26875. Rice. (F.D.C. No. 44801. S. No. 2-555 R.)

QUANTITY: 25 cases, 24 1-lb. pkgs. each, at Cochran, Ga.

SHIPPED: 8-26-60, from Houston, Tex.

LIBELED: 9-23-60, M. Dist. Ga.

CHARGE: 402(a)(3)—contained insects while held for sale; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 12-20-60. Default—destruction.

26876. Rice. (F.D.C. No. 44782. S. Nos. 21-602/3 R.)

QUANTITY: 43 100-lb. bags at Bedford Heights, Ohio.

SHIPPED: 2-24-60 and 4-22-60, from De Witt and Stuttgart, Ark.

LIBELED: 8-25-60, N. Dist. Ohio.

CHARGE: 402(a)(3)—contained insects and insect parts while held for sale.

DISPOSITION: 12-2-60. Default—destruction.

26877. Rice and flour. (F.D.C. No. 44348. S. Nos. 2-323 P, 2-327/8 P, 44-299/300 P., 87-258/9 P.)

INFORMATION FILED: On or about 7-7-60, M. Dist. Ga., against Williams Bros. Grocery Co., Inc., Tifton, Ga., and Calhoun A. Bowen, president.

ALLEGED VIOLATIONS: Between 2-28-58 and 2-12-60, while quantities of rice and flour were being held for sale after shipment in interstate commerce, the defendants caused the articles to be held in a building accessible to rodents and insects and to be exposed to contamination by rodents and insects, which acts resulted in the articles being adulterated.

CHARGE: 402(a)(3)—contained insects, insect larvae, insect cast skins, insect excreta, and rodent urine; and 402(a)(4)—held under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 8-9-60. Corporation fined \$200; individual fined \$100.

26878. Rice. (F.D.C. No. 42027. S. Nos. 57-297/8 M, 988/9 P, 1-051/2 P, 1-779/81 P.)

INFORMATION FILED: 10-20-58, E. Dist. S.C., against Massey-Hite Co., Inc., Conway, S.C., and John K. Massey, president.

ALLEGED VIOLATIONS: Between 1-22-57 and 7-16-58, while quantities of rice were being held for sale after shipment in interstate commerce, the defendants caused the rice to be held in a building that was accessible to rodents and insects, and to be exposed to contamination by rodents and insects, which acts resulted in the rice being adulterated.

CHARGE: 402(a)(3)—contained rodent excreta pellets, rodent urine, insects, insect larvae, insect excreta, and insect cast skins; and 402(a)(4)—held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 9-25-60. Corporation—\$500 fine; individual—sentence of 12 months in jail or a fine of \$500.

26879. Wheat. (Inj. No. 391.)

COMPLAINT FOR INJUNCTION FILED: 10-21-60, Dist. N. Dak., against Ralph Hegman Co., a corporation, t/a Litchville Elevator Co., Litchville, N. Dak.

CHARGE: The complaint alleged that the defendant operated, at Litchville, N. Dak., a grain storage facility consisting of two main houses of wood frame crib construction; that the main house No. 1 had one annex designated as the West Annex; that the main house No. 2 had an East and West Annex; that the East Annex of main house No. 2 was of wood crib type frame construction with metal siding and contained 2 bins designated No. 5 and No. 6 each with two compartments; that the West Annex of main house No. 2 contained nine bins designated by Nos. 1 through 9; that the defendant was engaged in storing and distributing wheat for human consumption; and that the defendant had been and was at the time of filing the complaint causing to be introduced and delivered for introduction into interstate commerce, wheat which was adulterated within the meaning of 402(a) (3) and (4) by reason of contamination with rodent, insect, and bird filth, and by reason of being held under insanitary conditions at the defendant's grain storage facility at Litchville, N. Dak.

It was alleged further that the insanitary conditions resulted from and consisted of the following:

Main House No. 1 and its West Annex—a badly cracked foundation in the main house and openings in both the main house and the annex which provided entry for rodents; and insect trails in the dust accumulations on the ledges.

Main House No. 2—numerous openings and cracks providing access by rodents to the interior of the house; insect trails on the spouting room floor where the dust accumulation was approximately $\frac{1}{2}$ " to $\frac{3}{4}$ " thick; rodent tracks on the bin beams of bin No. 1 in the head house; a dead mouse on the spouting room floor; a bird nest and excreta on the rafters of the driveway; rodent excreta pellets and insect case skins and insect larvae on the surface of the wheat.

East Annex of Main House No. 2—numerous rodent holes chewed in the framework allowing access by rodents to the top of the bins; rodent pellets averaging 2 per square foot on the surface of the wheat in the center area of bins No. 5 and 6; rodent pellets averaging 5 to 10 per square foot on the surface of the wheat in the four corner areas of bins No. 5 and 6; rodent pellets on structural braces in bins No. 5 and 6; rodent trails on the surface of the wheat in bin No. 5; rodent hairs in the crib walls of bin No. 5; and the presence of rodent, insect, and bird filth in the wheat.

West Annex of Main House No. 2—an ill-fitting door, allowing access of rodents into the basement; numerous rodent tracks on the surface of the wheat and of rodent pellets in almost every corner of each of the nine bins; numerous rodent holes chewed in the corner of some of the bins; rodent pellets averaging from 1 to 12 pellets per square foot in various parts of a number of the bins; rodent pellets on the surface of the wheat accumulated in bin No. 13 of Main House No. 2; and rodent urine, rodent excreta pellets, insects and insect parts in the wheat in various bins in the annex.

The complaint alleged further that the defendant was well aware that his activities were violative of the Act; that inspections of the defendant's grain storage facility at Litchville, N. Dak., had been made by inspectors of the Food and Drug Administration on 4-15-59, 1-6-60, and 6-29-60, at which times the

insanitary conditions were called to the defendant's attention; that seizure had been made in December 1958, of a carload of wheat which was shipped from defendant's grain storage facility; and that despite such warnings, the defendant failed to correct the insanitary conditions and continued to introduce into interstate commerce, wheat adulterated as specified above.

DISPOSITION: On 10-21-60, a temporary restraining order was entered against the defendant. On 10-29-60, the defendant having consented, the court entered a decree of permanent injunction enjoining the defendant from directly or indirectly causing to be introduced and delivered for introduction into interstate commerce, wheat, or any similar articles for human consumption, which is adulterated as alleged in the complaint. The defendant was also enjoined and restrained from causing the introduction and delivery for introduction into interstate commerce of wheat, and other similar articles for human consumption held at defendant's grain storage facility at Litchville, N. Dak., unless and until:

(a) the grain storage facility was thoroughly cleaned and renovated and rendered suitable for use in connection with the storage of wheat, and other similar articles for human consumption, all rodent, insect, and bird filth was removed from the storage facility, and the equipment used in storing the food was cleaned, the means of ingress and egress to the storage facility by rodents, insects, and birds were closed, and any similar insanitary conditions were eliminated;

(b) the wheat, or other similar articles for human consumption, which was on hand at the storage facility, was reconditioned and made suitable for human consumption under the supervision of the Food and Drug Administration;

(c) all contaminated wheat, or other articles for human consumption, was sold and delivered by defendant, under the supervision of the Food and Drug Administration, for use as animal feed only;

(d) all expenses of the supervision referred to above were paid by the defendant; and

(e) an inspection was made of the storage facility by a representative of the Food and Drug Administration with all expenses of such inspection being paid by the defendant, and a report made to the court showing that the insanitary conditions no longer existed, and that the wheat, or other similar articles for human consumption, as described in subparagraphs (b) and (c) had been brought into compliance with the law.

26880. Wheat. (F.D.C. No. 44482. S. No. 23-500 R.)

QUANTITY: 117,130 lbs. at Kansas City, Kans.

SHIPPED: 5-24-60, from Campbell, Nebr., by Campbell Grain Co.

LIBELED: 6-9-60, Dist. Kans.

CHARGE: 402(a) (3)—when shipped, contained rodent excreta pellets.

DISPOSITION: 6-14-60. Consent—claimed by Romeiser Grain Co., Salina, Kans. Segregated; 5,350 lbs. denatured.

26881. Wheat. (F.D.C. No. 44507. S. No. 44-591 R.)

QUANTITY: 101,990 lbs. at Spokane, Wash.

SHIPPED: 6-13-60, from Cascade, Mont., by Greely Elevator Co.

LIBELED: 6-27-60, E. Dist. Wash.

CHARGE: 402(a) (3)—contained rodent excreta pellets when shipped.

DISPOSITION: 6-30-60. Consent—claimed by Martin M. Lanser, t/a Martin M. Lanser Co., Seattle, Wash., and denatured for use as animal feed.

CHOCOLATE, CONFECTIONERY, AND RELATED PRODUCTS

CHOCOLATE PRODUCTS

26882. Chocolate base. (F.D.C. No. 44474. S. No. 40-792 R.)

QUANTITY: 2 drums containing a total of 321 lbs. at Alton, Ill.

SHIPPED: 4-1-60, from St. Louis, Mo., by American Chocolate Co., Inc.

LABEL IN PART: "Premium Dutch Chocolate Base American Chocolate Company, Inc., 508 South Jefferson, St. Louis, Mo. Ingredients Dutch Process Cocoa."

LIBELED: 5-31-60, S. Dist. Ill.

CHARGE: 402(b)(1)—when shipped, a valuable constituent, chocolate, had been in whole or in part omitted from the article; and 403(a)—the label statement "Chocolate Base" was false and misleading.

DISPOSITION: 6-29-60 and 7-7-60. Default—delivered to a charitable institution for use as food.

26883. Chocolate sirup. (F.D.C. No. 43436. S. No. 64-843 P.)

QUANTITY: 42 3-qt. cans at Lubbock, Tex.

SHIPPED: 6-15-59, from Humboldt, Tenn., by J. Hungerford Smith Co.

LABEL IN PART: "J. Hungerford Smith's JHS Fountain Park Chocolate Flavored Syrup."

LIBELED: 3-21-60, N. Dist. Tex.

CHARGE: 402(a)(3)—contained insect fragments, rodent hair fragments, and feather fragments; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 12-7-60. Default—destruction.

CONFECTIONERY

26884. Candy. (F.D.C. No. 44328. S. Nos. 71-569 P, 75-679 P, 80-709 P, 92-140 P.)

INFORMATION FILED: 6-3-60, W. Dist. Mo., against Donaldson Chocolate Co., a corporation, Kansas City, Mo.

SHIPPED: Between 10-17-59 and 1-5-60, from Missouri to Ohio, Michigan, Texas, and Arkansas.

LABEL IN PART: "Sifers VALOMILK SWISS STYLE VALOMILK NET WEIGHT 1 OUNCE FROM SIFERS VALOMILK CONFECTION CO. KANSAS CITY 8, MO."

CHARGE: 402(a)(3)—contained insect fragments; and 402(a)(4)—prepared under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 7-1-60. \$800 fine, plus costs.

26885. Candy. (F.D.C. No. 44607. S. Nos. 33-919/20 R.)

QUANTITY: 38 ctns., 24 boxes of 6 foil-wrapped pieces of candy each, and 107 ctns., 24 4¾-oz. bags each, at Newark, N.J.

SHIPPED: 4-18-60, from Brooklyn, N.Y., by Chunky Chocolate Corp.

LABEL IN PART: (Ctn.) "Chunky Milk Chocolate 6 Pack [or "Chunky Cutie Bags"] * * * Chunky Chocolate Corp."; (box) "Chunky Milk Chocolate With Cashews, Brazils, and Raisins 6 Pack * * * Chunky Chocolate Corporation, Brooklyn, N.Y." and (bag) "Chunky Cutie Milk Chocolate with Cashews, Brazils and Raisins * * * Chunky Chocolate Corporation, Brooklyn, New York."

LIBELED: On or about 6-8-60, Dist. N.J.

CHARGE: 402(a)(2)(A)—when shipped, the article contained an added deleterious substance, namely, metal fragments, which is unsafe within the meaning of 406 since such substance is not required in the production of this food and can be avoided by good manufacturing practice; and 402(a)(4)—prepared and packed under insanitary conditions whereby it may have been rendered injurious to health.

DISPOSITION: 8-30-60. Default—destruction.

26886. Candy suckers. (F.D.C. No. 43876. S. No. 79-802 P.)

QUANTITY: 28 ctns., 12 6½-oz. individually wrapped candy suckers each, at South Bend, Ind.

SHIPPED: 7-7-59, from Detroit, Mich., by Atlas Cone & Candy Mfg. Co.

LABEL IN PART: (Ctn.) "12 Party Pop Suckers Atlas Cone & Mfg. Co., Detroit, Michigan" and (sucker wrapper) "Party Pop * * * Atlas Cone and Candy Co., Detroit, Michigan."

LIBELED: 12-9-59, N. Dist. Ind.

CHARGE: 402(a)(1)—when shipped, the article contained a deleterious substance, pointed wooden sticks, which may render it injurious to health.

DISPOSITION: 10-10-60. Default—3 cartons delivered to the Food and Drug Administration; remaining cartons destroyed.

SUGAR AND SIRUP

26887. Sugar. (F.D.C. No. 44796. S. No. 23-646 R.)

QUANTITY: 53 100-lb. bags at Muskogee, Okla., in possession of Griffin Grocery Co.

SHIPPED: 7-29-60, from Three Oaks, La.

LIBELED: 9-14-60, E. Dist. Okla.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 10-4-60. Consent—claimed by Griffin Grocery Co. Segregated; 33 bags denatured for use as animal feed.

26888. Sorghum. (F.D.C. No. 44792. S. No. 14-484 R.)

QUANTITY: 6 cases, 12 4¼-lb. cans each, at Chattanooga, Tenn.

SHIPPED: 6-1-60, from Section, Ala., by J. D. Culpepper.

LABEL IN PART: (Can) "Sand Mountain Sorghum * * * Corn Syrup Added to Prevent Going to Sugar J. D. Culpepper, Section, Alabama."

RESULTS OF INVESTIGATION: Examination showed that the article was a mixture of sorghum sirup and corn sirup.

LIBELED: 9-14-60, E. Dist. Tenn.

CHARGE: 403(a)—when shipped, the label statement "Sorghum" was false and misleading as applied to a mixture of sorghum sirup and corn sirup.

DISPOSITION: 11-4-60. Default—delivered to a charitable institution.

26889. Honey. (F.D.C. No. 44817. S. No. 40-760 R.)

QUANTITY: 27 cases, 12 jars each, at Sikeston, Mo.

SHIPPED: 8-30-60, from North Little Rock, Ark., by Fischer Honey Co.

LABEL IN PART: (Jar) "Jack Sprat Brand 100% Pure Honey Contents 1 lb. Distributed by Sales Producers Associates, Inc., Kansas City, Kansas."

RESULTS OF INVESTIGATION: Examination showed the article to be short weight.

LIBELED: 10-13-60, E. Dist. Mo.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 12-13-60. Default—delivered to charitable institutions.

DAIRY PRODUCTS

BUTTER

26890. Butter. (F.D.C. No. 40823. S. No. 18-995 P.)

QUANTITY: 33 boxes, each containing 30 1-lb. pkgs. of 4 $\frac{1}{4}$ -lb. prints of butter, at Trinidad, Colo.

SHIPPED: Decomposed cream was shipped on 6-1-58 and 6-2-58, to Trinidad, Colo., from Texas, New Mexico, Arizona, and Oklahoma.

LABEL IN PART: (Box) "Colorado Gold Brand Creamery Butter * * * Trinidad Creamery Co., Trinidad, Colo."

RESULTS OF INVESTIGATION: The above-mentioned butter was manufactured at the Trinidad Creamery Co., Trinidad, Colo., from the decomposed cream shipped as described above.

LIBELED: 7-7-58, Dist. Colo.; amended 8-15-58.

CHARGE: 402(a) (3)—contained a decomposed substance by reason of having been made from decomposed cream; and 402(e)—the article was butter and part or all of the raw material used therein consisted of a decomposed substance, namely, decomposed cream.

DISPOSITION: The Trinidad Creamery Co., claimant, filed an answer denying that the butter was adulterated or had been manufactured from decomposed cream as alleged in the libel. The claimant and the Government also served written interrogatories upon each other which were subsequently answered. The case came on for trial before the court without a jury on 1-14-59, and in the course of the trial evidence was presented by the Government concerning the making on 1-10-59 through 1-13-59, of chemical tests to determine the butyric acid content of the samples of butter and cream admitted into evidence for the purpose of determining decomposition. The claimant contended that such evidence resulted in surprise for which the claimant was not prepared. The court took the matter under advisement and on 1-19-59, ordered that the claimant should have 30 days within which to elect whether (a) to reopen

the trial for the purpose of presenting evidence concerning the validity of the butyric acid test or the results of any chemical tests to be made by the claimant, or (b) to have a retrial of all of the issues in the matter. The claimant subsequently elected to reopen the trial for the purpose of presenting additional evidence and in accordance with such election the court entered an order, on 3-31-59, setting the case down for further trial on 4-30-59. The reopening of the trial was subsequently postponed. On 6-13-60, the claimant withdrew its claim and answer for the reason that the article under seizure was of small value and may have deteriorated by reason of the length of time which had elapsed since its manufacture. On 6-14-60, the court entered a default decree of condemnation and destruction.

26891. Butter. (F.D.C. No. 43509. S. Nos. 14-565 R, 14-567 R, 14-569/70 R, 15-971/2 R, 15-974/6 R.)

QUANTITY: 48 30-lb. cases, and 10 40-lb. cases, at Louisville, Ky.

SHIPPED: Between 10-1-59 and 10-29-59, from Lanesville, Ind., by Lanesville Creamery Co.

LABEL IN PART: (Box) "Packed for the Klarer Company, Louisville, Ky. * * * Klarer Creamery Butter."

RESULTS OF INVESTIGATION: Analysis showed part of the article to be made from decomposed cream, and part to be deficient in milk fat.

LIBELED: 4-4-60, W. Dist. Ky.

CHARGE: 402(a) (3)—when shipped, a portion of the article contained a decomposed substance; and 402(b) (2)—in certain portions of the article a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: 6-29-60. Consent—claimed by Henry J. Fachinger, t/a Lanesville Creamery Co., and converted into butter oil.

26892. Butter. (F.D.C. No. 43735. S. No. 2-414 R.)

QUANTITY: 9 cases, 32 1-lb. rolls each, at Miami, Fla.

SHIPPED: 6-30-60, from Louisville, Ky., by Sugar Creek Creamery Co.

LABEL IN PART: "COUNTRY ROLL BUTTER Pasteurized Distributor Wilson & Co. * * * Chicago, Ill."

RESULTS OF INVESTIGATION: Analysis showed that the article was made from decomposed cream.

LIBELED: 7-19-60, S. Dist. Fla.

CHARGE: 402(a) (3)—contained a decomposed substance when shipped.

DISPOSITION: 8-30-60. Consent—claimed by Sugar Creek Creamery Co., and converted into butter oil.

26893. Butter. (F.D.C. No. 43734. S. Nos. 2-406 R, 2-408 R.)

QUANTITY: 16 cases, 32 1-lb. rolls each, and 92 cases, 12 1-lb. rolls each, at Miami, Fla.

SHIPPED: 6-6-60, from Louisville, Ky., by Sugar Creek Creamery Co.

LABEL IN PART: "COUNTRY ROLL CREAMERY BUTTER."

RESULTS OF INVESTIGATION: Analysis showed that the article was made from decomposed cream.

LIBELED: 7-19-60, S. Dist. Fla.

CHARGE: 402(a)(3)—contained a decomposed substance when shipped.

DISPOSITION: 8-30-60. Consent—claimed by Sugar Creek Creamery Co. and converted into butter oil.

26894. Butter. (F.D.C. No. 43751. S. No. 12-024 R.)

QUANTITY: 182 64-lb. ctns. at Chicago, Ill.

SHIPPED: 8-18-60, from Schuyler, Nebr., by Schuyler Creamery.

LABEL IN PART: "Creamery Butter Fox Deluxe Foods Inc. Distributors Chicago, Ill."

RESULTS OF INVESTIGATION: Examination showed that the article was made from decomposed cream.

LIBELED: 9-27-60, N. Dist. Ill.

CHARGE: 402(a)(3)—contained a decomposed substance when shipped.

DISPOSITION: 9-29-60. Consent—claimed by Marketing Association of America, Chicago, Ill., and converted into butter oil.

26895. Butter. (F.D.C. No. 43750. S. No. 15-954 R.)

QUANTITY: 37 64-lb. cases at Evansville, Ind.

SHIPPED: A number of cans of cream were shipped on 7-31-60, from Kentucky, Illinois, and Tennessee.

RESULTS OF INVESTIGATION: Examination showed that the cream which was decomposed was used by the Sugar Creek Creamery, Evansville, Ind., in the manufacture of the butter under seizure.

LIBELED: 8-25-60, S. Dist. Ind.

CHARGE: 402(a)(3)—the cream contained a decomposed substance when shipped.

DISPOSITION: 10-4-60. Consent—claimed by Sugar Creek Creamery, and converted into butter oil.

26896. Butter. (F.D.C. No. 43752. S. No. 14-133 R.)

QUANTITY: 29 64-lb. cubes at Chicago, Ill.

SHIPPED: 9-21-60, from Platte, S. Dak., by Platte Creamery & Produce.

LIBELED: 10-3-60, N. Dist. Ill.

CHARGE: 402(b)(2)—when shipped, a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: 10-21-60. Consent—claimed by H. C. Christians Co., Chicago, Ill., and reworked.

26897. Butter. (F.D.C. No. 43755. S. No. 13-475 R.)

QUANTITY: 34 boxes, 32 1-lb. prints each, at River Grove, Ill.

SHIPPED: 11-18-60, from Fond du Lac, Wis., by Lamartine Creamery Co.

LABEL IN PART: (Print) "KEN-DAWN Wisconsin's Favorite BUTTER."

RESULTS OF INVESTIGATION: Examination showed that the article was deficient in milk fat.

LIBELED: 12-16-60, N. Dist. Ill.

CHARGE: 402(b)(2)—when shipped, a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: 1-13-61. Consent—claimed by Lamartine Creamery Co., and reworked.

CHEESE

26898. Colby cheese. (F.D.C. No. 44609. S. No. 15-622 R.)

QUANTITY: 200 horns at Harrodsburg, Ky.

SHIPPED: 4-19-60, from Washington Courthouse, Ohio, by Cudahy Packing Co.

LABEL IN PART: "Net Weight 12 $\frac{1}{4}$ Pasteurized Plant 2 Vat 1 3-29-60
The Cudahy Packing Company Distributors Omaha, Nebraska Ohio Colby
Longhorn."

LIBELED: 6-9-60, E. Dist. Ky.

CHARGE: 403(a)—when shipped, the label statement "Pasteurized" was false and misleading as applied to a product which had not been made from pasteurized milk; and 403(g)(1)—the article failed to conform to the definition and standard of identity for colby cheese since the milk used in the preparation of the article was not pasteurized and the cheese had not been cured at a temperature of 35° F. for a period of 60 days.

DISPOSITION: 7-21-60. Consent—claimed by Cudahy Packing Co., and converted into process cheese.

26899. Cheese. (F.D.C. No. 44797. S. Nos. 20-004/5 R.)

QUANTITY: 10 boxes, 6 12-lb. cheeses each, and 10 12-lb. cheeses, at Cleveland, Ohio, in possession of Gust Gallucci Co.

SHIPPED: 8-13-57 and 1-8-60, from Mayville, Wis., and New York, N.Y.

LIBELED: 9-29-60, N. Dist. Ohio.

CHARGE: 402(a)(3)—contained insects; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 11-16-60. Default—destruction.

26900. Processed cheese food. (F.D.C. No. 44806. S. No. 20-433 R.)

QUANTITY: 115 30-lb. ctns. at Kalamazoo, Mich.

SHIPPED: 5-30-60 and 6-13-60, from Wapakoneta, Ohio, by Fisher Cheese Co.

LABEL IN PART: (Box) "Fisher's Pasteurized Process American Cheese Food * * * Manufactured by Fisher Cheese Company, Wapakoneta, Ohio."

LIBELED: 10-4-60, W. Dist. Mich.

CHARGE: 403(g)(1)—when shipped, the article failed to conform to the definition and standard of identity for pasteurized process cheese food, since it contained excessive moisture and a gum, an ingredient not permitted by the definition and standard.

DISPOSITION: 11-8-60. Default—delivered to a public institution.

MILK

26901. Evaporated milk (3 seizure actions). (F.D.C. Nos. 44101, 44102, 44103. S. Nos. 94-133 P, 94-135 P, 95-197 P.)

QUANTITY: 847 cases, each containing 48 13 $\frac{2}{3}$ -oz. cans, at Honolulu and Hilo, Hawaii.

SHIPPED: 2-10-60 and 2-16-60, from San Francisco, Calif., by Foremost Dairies, Inc.

LABEL IN PART: (Can) "Foremost * * * Evaporated Milk."

LIBELED: 3-22-60, Dist. Hawaii.

CHARGE: 402(a)(2)(A)—when shipped, the article contained added poisonous and deleterious substances, DDT, DDE, and TDE, which are unsafe within the meaning of 406 since such substances are not required in the production of the food and can be avoided by good manufacturing practice.

DISPOSITION: 4-12-60 and 5-11-60. Default—destruction.

EGGS

26902. Frozen eggs. (F.D.C. No. 43964. S. Nos. 68-348/9 P.)

QUANTITY: 1,730 30-lb. cans at Philadelphia, Pa.

SHIPPED: 9-15-59 and 10-12-59, from Forest Park, Ga., by Superior Eggs, Inc.

LABEL IN PART: "Superior * * * Whole Eggs * * * Packed by Superior Eggs, Inc., Forest Park, Ga."

LIBELED: 12-14-59, E. Dist. Pa.; amended 12-29-59.

CHARGE: 402(a)(3)—contained decomposed eggs when shipped.

DISPOSITION: 6-29-60. Consent—claimed by Superior Eggs, Inc. Segregated; 87 cans denatured.

26903. Frozen eggs. (F.D.C. No. 44704. S. No. 7-503 R.)

QUANTITY: 55 30-lb. cans at Roslindale, Mass.

SHIPPED: Shell eggs were shipped from Bethel, Vt., on 6-1-60, and after receipt at Roslindale, Mass., were broken and packed as frozen eggs.

LIBELED: 7-1-60, Dist. Mass.

CHARGE: 402(a)(3)—contained decomposed eggs while held for sale.

DISPOSITION: 7-18-60. Consent—claimed by F. B. Williams, Jr., Inc., Roslindale, Mass. Segregated; 41 cans denatured.

26904. Frozen eggs. (F.D.C. No. 44768. S. Nos. 39-495/7 R.)

QUANTITY: 172 30-lb. cans at Memphis, Tenn.

SHIPPED: The article was shipped in the form of shell eggs from various places in the States of Alabama, Arkansas, Mississippi, and Ohio, between 6-10-60 and 7-20-60.

LIBELED: 8-5-60, W. Dist. Tenn.; amended 8-24-60.

CHARGE: 402(a)(3)—contained decomposed eggs while held for sale.

DISPOSITION: 9-7-60. Default—delivered to a public institution for use as animal feed.

26905. Frozen eggs. (F.D.C. No. 44769. S. No. 31-765 R.)

QUANTITY: 100 30-lb. cans at New Orleans, La.

SHIPPED: 7-12-60, from Zanesville, Ohio, by Ballas Egg Products Co., Inc.

LABEL IN PART: (Can) "Whole Eggs * * * Distributed by Ballas Egg Products Co., Inc. Zanesville, Ohio."

LIBELED: 8-5-60, E. Dist. La.

CHARGE: 402(a)(3)—contained decomposed eggs when shipped.

DISPOSITION: 9-14-60. Default—destruction.

26906. Frozen eggs. (F.D.C. No. 44702. S. No. 6-914 R.)

QUANTITY: 30 30-lb. cans at Boston, Mass.

SHIPPED: 6-1-60, from Brooklyn, N.Y., by Quality Egg Co., Inc.

LABEL IN PART: (Can) "Whole Eggs 0325 * * * Packed By Quality Egg Co., Inc., 640 Parkside Ave., Brooklyn 26, New York."

LIBELED: 6-29-60, Dist. Mass.

CHARGE: 402(a) (3)—contained decomposed eggs when shipped.

DISPOSITION: 9-19-60. Default—destruction.

26907. Frozen eggs. (F.D.C. No. 43698. S. No. 32-208 P.)

INFORMATION FILED: 1-20-60, Dist. N.J., against Independent Food Products Co., Inc., Newark, N.J., and Sam Rosenbaum, president.

SHIPPED: 1-20-59, from New Jersey to New York.

LABEL IN PART: (Can) "Frozen Whole Eggs Packed For Independent Food Products Co. 30 Lbs. Net Wt Newark, N.J."

CHARGE: 402(a) (3)—contained decomposed eggs when shipped.

PLEA: Guilty.

DISPOSITION: 10-7-60. Corporation fined \$5,000; individual fined \$500.

26908. Frozen eggs. (F.D.C. No. 44790. S. No. 9-628 R.)

QUANTITY: 1,000 30-lb. cans at Buffalo, N.Y.

SHIPPED: 8-19-60, from Sheldon, Iowa, by Armour Creameries.

LABEL IN PART: (Can) "Frozen Whole Eggs * * * T3001 Armour Cloverbloom * * * Armour Creameries Distributors * * * Chicago, Illinois."

LIBELED: 9-7-60, W. Dist. N.Y.

CHARGE: 402(a) (3)—contained decomposed eggs when shipped.

DISPOSITION: 10-14-60. Consent—claimed by Armour Creameries Distributors, Chicago, Ill. Segregated; 72 cans destroyed.

26909. Frozen eggs. (F.D.C. No. 44616. S. No. 32-534 R.)

QUANTITY: 1,300 30-lb. cans at Brooklyn, N.Y.

SHIPPED: 4-21-60, from Los Angeles, Calif., by Sunland Egg Farms, Inc.

LABEL IN PART: (Tag) "Whole eggs * * * Packed and Distributed by Brasher Bros. Burbank Egg Co. 512 S. Verdugo Dr. Burbank, California."

LIBELED: 6-6-60, E. Dist. N.Y.

CHARGE: 402(a) (3)—contained decomposed eggs when shipped.

DISPOSITION: 11-21-60. Consent—claimed by Earl K. Riley Co., Chicago, Ill., and denatured.

26910. Frozen eggs. (F.D.C. No. 44608. S. Nos. 32-534 R, 32-691 R.)

QUANTITY: 600 30-lb. cans at Brooklyn, N.Y.

SHIPPED: 4-20-60, from Los Angeles, Calif., by Sunland Egg Farms, Inc.

LABEL IN PART: "Whole Eggs * * * Packed and Distributed by Brasher Bros. Burbank Egg Co. * * * Burbank, California."

LIBELED: 6-14-60, E. Dist. N.Y.

CHARGE: 402(a) (3)—contained decomposed eggs when shipped.

DISPOSITION: 11-21-60. Consent—claimed by Earl K. Riley Co., Chicago, Ill., and denatured.

26911. Frozen eggs. (F.D.C. No. 44598. S. No. 32-533 R.)

QUANTITY: 900 30-lb. cans at Brooklyn, N.Y.

SHIPPED: 4-1-60, from Los Angeles, Calif., by Sunland Egg Farms, Inc.

LABEL IN PART: "Whole Eggs Baldwin Park Poultry Farms 3406 N. Maine Ave., Baldwin Park, Calif. * * * Oct. 3, 1959 [or other dates]."

LIBELED: 6-14-60, E. Dist. N.Y.

CHARGE: 402(a)(3)—contained decomposed eggs when shipped.

DISPOSITION: 11-21-60. Consent—claimed by Earl K. Riley Co., Chicago, Ill., and denatured.

FEEDS AND GRAINS

26912. Cracked corn. (F.D.C. No. 45039. S. No. 33-548 R.)

QUANTITY: 54 bags, containing 5,400 lbs., at Brooklyn, N.Y.

SHIPPED: The article was delivered, on 8-29-60, to a ship pier at Brooklyn, N.Y., for shipment to Iceland.

RESULTS OF INVESTIGATION: Examination showed that the article was moldy. This condition developed following submersion in polluted river water, which occurred as a result of a storm on 9-13-60, that flooded the pier where the article was stored.

LIBELED: 11-2-60, E. Dist. N.Y.

CHARGE: 402(a)(3)—contained a decomposed substance while in interstate commerce.

DISPOSITION: 12-3-60. Default—destruction.

26913. Cracked corn. (F.D.C. No. 45037. S. No. 36-126 R.)

QUANTITY: 18 bags, containing 1,809 lbs., at Brooklyn, N.Y.

SHIPPED: The article was delivered, on 8-29-60, to a ship pier at Brooklyn, N.Y., for shipment to Iceland.

RESULTS OF INVESTIGATION: Examination showed that the article was moldy. This condition developed following submersion in polluted river water, which occurred as a result of a storm on 9-13-60, that flooded the pier where the article was stored.

LIBELED: 11-2-60, E. Dist. N.Y.

CHARGE: 402(a)(3)—contained a decomposed substance while in interstate commerce.

DISPOSITION: 12-27-60. Default—destruction.

26914. Cracked corn. (F.D.C. No. 45041. S. No. 33-235 R.)

QUANTITY: 180 bags, containing 18,000 lbs., at Brooklyn, N.Y.

SHIPPED: The article was delivered, on 8-31-60, to a ship pier at Brooklyn, N.Y., for shipment to Iceland.

RESULTS OF INVESTIGATION: Examination showed that the article was moldy. This condition developed following submersion in polluted river water, which occurred as a result of a storm on 9-13-60, that flooded the pier where the article was stored.

LIBELED: 11-2-60, E. Dist. N.Y.

CHARGE: 402(a)(3)—contained a decomposed substance while in interstate commerce.

DISPOSITION: 12-27-60. Default—destruction.

26915. Cracked corn. (F.D.C. No. 45040. S. No. 36-124 R.)

QUANTITY: 84 bags, containing 8,442 lbs., at Brooklyn, N.Y.

SHIPPED: The article was delivered, on 8-29-60, to a ship pier at Brooklyn, N.Y., for shipment to Iceland.

RESULTS OF INVESTIGATION: Examination showed that the article was moldy. This condition developed following submersion in polluted river water, which occurred as a result of a storm on 9-13-60, that flooded the pier where the article was stored.

LIBELED: 11-2-60, E. Dist. N.Y.

CHARGE: 402(a)(3)—contained a decomposed substance while in interstate commerce.

DISPOSITION: 12-27-60. Default—destruction.

26916. Scratch feed. (F.D.C. No. 45042. S. No. 33-544 R.)

QUANTITY: 60 bags, containing 6,000 lbs., at Brooklyn, N.Y.

SHIPPED: The article was delivered, on 8-29-60, to a ship pier at Brooklyn, N.Y., for shipment to Iceland.

RESULTS OF INVESTIGATION: Examination showed that the article was moldy. This condition developed following submersion in polluted river water, which occurred as a result of a storm on 9-13-60, that flooded the pier where the article was stored.

LIBELED: 11-2-60, E. Dist. N.Y.

CHARGE: 402(a)(3)—contained a decomposed substance while in interstate commerce.

DISPOSITION: 12-27-60. Default—destruction.

26917. Laying mash. (F.D.C. No. 45043. S. No. 33-545 R.)

QUANTITY: 79 bags, containing 7,900 lbs., at Brooklyn, N.Y.

SHIPPED: The article was delivered, on 8-29-60, to a ship pier at Brooklyn, N.Y., for shipment to Iceland.

RESULTS OF INVESTIGATION: Examination showed that the article was moldy. This condition developed following submersion in polluted river water, which occurred as a result of a storm on 9-13-60, that flooded the pier where the article was stored.

LIBELED: 11-3-60, E. Dist. N.Y.

CHARGE: 402(a)(3)—contained a decomposed substance while in interstate commerce.

DISPOSITION: 12-27-60. Default—destruction.

26918. Hominy feed. (F.D.C. No. 45044. S. No. 35-989 R.)

QUANTITY: 36 bags, containing 3,600 lbs., at Brooklyn, N.Y.

SHIPPED: The article was delivered, on 9-2-60, to a ship pier at Brooklyn, N.Y., for shipment to Iceland.

RESULTS OF INVESTIGATION: Examination showed that the article was moldy. This condition developed following submersion in polluted river water, which occurred as a result of a storm on 9-13-60, that flooded the pier where the article was stored.

LIBELED: 11-3-60, E. Dist. N.Y.

CHARGE: 402(a)(3)—contained a decomposed substance while in interstate commerce.

DISPOSITION: 12-27-60. Default—destruction.

26919. Hominy feed. (F.D.C. No. 45045. S. No. 35-988 R.)

QUANTITY: 324 bags, containing 32,400 lbs., at Brooklyn, N.Y.

SHIPPED: The article was delivered, on 9-2-60, to a ship pier at Brooklyn, N.Y., for shipment to Iceland.

RESULTS OF INVESTIGATION: Examination showed that the article was moldy. This condition developed following submersion in polluted river water, which occurred as a result of a storm on 9-13-60, that flooded the pier where the article was stored.

LIBELED: 11-3-60, E. Dist. N.Y.

CHARGE: 402(a)(3)—contained a decomposed substance while in interstate commerce.

DISPOSITION: 12-27-60. Default—destruction.

FISH AND SHELLFISH

26920. Frozen haddock fillets. (F.D.C. No. 44894. S. Nos. 8-201 R, 8-203/4 R.)

QUANTITY: 76 ctns., each containing 5 10-lb. boxes of individually wrapped fish fillets, at Boston, Mass.

SHIPPED: These fillets were from fish caught by the fishing vessels "Atlantic" and "Thomas Wheland" outside the limits of Massachusetts, and unloaded at the Boston Fish Pier on 8-22-60 and 8-23-60.

LIBELED: 9-19-60, Dist. Mass.

CHARGE: 402(a)(3)—contained decomposed fish fillets when shipped.

DISPOSITION: 10-26-60. Consent—claimed by Eastern Seafood Co., Boston, Mass. Segregated; 122 lbs. destroyed.

26921. Frozen haddock fillets. (F.D.C. No. 44846. S. No. 7-865 R.)

QUANTITY: 82 boxes, each containing 10 lbs. of cellophane wrapped haddock fillets, at Boston, Mass.

SHIPPED: These fillets were from fish caught by the fishing vessel "Phantom" in the Atlantic Ocean outside the limits of Massachusetts, and unloaded at the Boston Fish Pier on 7-26-60.

LIBELED: 8-5-60, Dist. Mass.

CHARGE: 402(a)(3)—contained decomposed fillets when shipped.

DISPOSITION: 10-10-60. Default—delivered to a public institution for use as animal feed.

26922. Canned crabmeat. (F.D.C. No. 43741. S. No. 30-899 R.)

QUANTITY: 34 cases, 50 1-lb. cans each, at Baton Rouge, La.

SHIPPED: 7-29-60 and 8-4-60, from Palacios, Tex., by Texas Crab Co.

LABEL IN PART: "Texas Crab Co.—Special [or "Claw"]—Crab Meat * * * Palacios, Texas" and "Special—Fresh—Crab Meat."

LIBELED: 8-16-60, E. Dist. La.

CHARGE: 402(a)(3)—contained *E. coli* and decomposed crabmeat; and 402 (a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 10-24-60. Default—destruction.

FRUITS AND VEGETABLES

FRESH FRUIT

26923. Fresh blueberries. (F.D.C. No. 43745. S. No. 7-311 R.)

QUANTITY: 14 crates, 24 1-qt. boxes each, and 1 crate, containing 32 1-qt. boxes, at Boston, Mass.

SHIPPED: 8-3-60, from New Durham, N.H., by Arthur Joy.

RESULTS OF INVESTIGATION: Examination of the article showed that it contained maggots.

LIBELED: 8-3-60, Dist. Mass.

CHARGE: 402(a) (3)—contained a filthy substance when shipped.

DISPOSITION: 9-14-60. Default—destruction.

26924. Fresh blueberries. (F.D.C. No. 43736. S. No. 7-555 R.)

QUANTITY: 21 crates, 16 1-qt. boxes each, and 10 crates, 24 1-qt. boxes each, at Boston, Mass.

SHIPPED: 8-15-60, from New Durham, N.H., by Arthur Joy.

RESULTS OF INVESTIGATION: Examination of the article showed that it contained maggots.

LIBELED: 8-16-60, Dist. Mass.

CHARGE: 402(a) (3)—contained a filthy substance when shipped.

DISPOSITION: 10-10-60. Default—destruction.

26925. Fresh blueberries. (F.D.C. No. 43743. S. No. 7-557 R.)

QUANTITY: 21 crates, each containing 24 1-qt. boxes, and 6 crates, each containing 32 1-qt. boxes, at Lawrence, Mass.

SHIPPED: 8-15-60, from Alton, N.H., by Alfred Castle.

RESULTS OF INVESTIGATION: Examination showed that the article contained maggots.

LIBELED: 8-19-60, Dist. Mass.

CHARGE: 402(a) (3)—contained a filthy substance when shipped.

DISPOSITION: 10-3-60. Default—destruction.

26926. Fresh blueberries. (F.D.C. No. 43737. S. No. 7-558 R.)

QUANTITY: 9 crates, 16 1-qt. boxes each, 14 crates, 24 1-qt. boxes each, and 5 crates, 32 1-qt. boxes each, at Cambridge, Mass.

SHIPPED: 8-17-60, from Alton and New Durham, N.H., by Alfred Castle.

RESULTS OF INVESTIGATION: Examination of the article showed that it contained maggots.

LIBELED: 8-19-60, Dist. Mass.

CHARGE: 402(a) (3)—contained a filthy substance when shipped.

DISPOSITION: 10-3-60. Default—destruction.

26927. Fresh blueberries. (F.D.C. No. 43746. S. No. 7-559 R.)

QUANTITY: 17 20-lb. cans at Malden, Mass.

SHIPPED: 8-17-60, from Alton and New Durham, N.H., by Alfred Castle.

RESULTS OF INVESTIGATION: Examination of the article showed that it contained maggots.

LIBELED: 8-23-60, Dist. Mass.

CHARGE: 402(a)(3)—contained a filthy substance when shipped.

DISPOSITION: 10-10-60. Default—destruction.

26928. Fresh blueberries. (F.D.C. No. 43748. S. No. 8-139 R.)

QUANTITY: 15 crates, 16 1-qt. boxes each, at Lawrence, Mass.

SHIPPED: 9-2-60, from Manchester, N.H., by Cahill & Co.

RESULTS OF INVESTIGATION: Examination showed that the article contained maggots.

LIBELED: 9-13-60, Dist. Mass.

CHARGE: 402(a)(3)—contained a filthy substance when shipped.

DISPOSITION: 10-31-60. Default—destruction.

26929. Fresh cranberries. (F.D.C. No. 43827. S. No. 50-175 P.)

QUANTITY: 84 cases, 24 1-lb. boxes each, at Louisville, Ky.

SHIPPED: 10-31-59, from Hanson, Mass., by National Cranberry Association.

LABEL IN PART: (Box) "Ocean Spray Fresh Cranberries * * * Packed by National Cranberry Association * * * Hanson, Mass."

LIBELED: 11-25-59, W. Dist. Ky.

CHARGE: 402(a)(2)(B)—the article was a raw agricultural commodity and, when shipped, contained a pesticide chemical, namely, aminotriazole, which is unsafe within the meaning of 408(a), since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on cranberries has been prescribed by regulations.

DISPOSITION: 1-9-61. Default—destruction.

VEGETABLES AND VEGETABLE PRODUCTS

26930. Dried lima beans. (F.D.C. No. 44516. S. No. 19-068 R.)

QUANTITY: 241 100-lb. bags at Cahone, Colo.

SHIPPED: 2-26-60, from Los Angeles, Calif., by West Los Angeles Milling Co.

LABEL IN PART: "California Lima Beans Packed by West Los Angeles Milling Co. West Los Angeles, Calif."

LIBELED: 7-11-60, Dist. Colo.

CHARGE: 402(a)(3)—contained rodent urine while in interstate commerce.

DISPOSITION: 9-23-60. Consent—claimed by Dove Creek State Bank, Dove Creek, Colo. Segregated; 80 lbs. destroyed.

26931. Dried lima beans. (F.D.C. No. 44779. S. Nos. 18-825 R, 50-025 R.)

QUANTITY: 318 100-lb. bags at Cahone, Colo.

SHIPPED: Prior to 3-2-60, from Los Angeles, Calif.

LIBELED: 8-23-60, Dist. Colo.

CHARGE: 402(a)(3)—contained rodent urine while held for sale.

DISPOSITION: 10-26-60. Consent—claimed by Dove Creek State Bank, Dove Creek, Colo. Segregated; 90 lbs. destroyed.

26932. Dried navy beans. (F.D.C. No. 44821. S. No. 23-811 R.)

QUANTITY: 380 100-lb. bags at Nebraska City, Nebr.

SHIPPED: 9-6-60, from Freeland, Mich.

LIBELED: 10-13-60, Dist. Nebr.

CHARGE: 402(a)(3)—contained rodent urine while held for sale.

DISPOSITION: 11-14-60. Consent—claimed by Michigan Bean Co., Div. of Wickes Corp., Saginaw, Mich. Segregated; 63 bags converted into animal feed.

26933. Dried split peas, dried navy beans, and dried pinto beans. (F.D.C. No. 44835. S. Nos. 54-802/3 R, 54-805 R.)

QUANTITY: 127 cases, 24 1-lb. bags each, of dried split peas; 200 cases, 6 4-lb. bags each, of dried navy beans; 150 cases, 12 2-lb. bags each, of dried pinto beans; at St. Louis, Mo., in possession of B & L Drayage & Warehouse Co., Inc.

SHIPPED: Between 1-17-59 and 9-21-59, from Denver, Colo., Port Huron, Mich., and Granite City, Ill.

LIBELED: 10-25-60, E. Dist. Mo.

CHARGE: 402(a)(3)—contained insects, insect fragments, and insect excreta, and (pinto beans) insect-damaged beans; and 402(a)(4)—held under unsanitary conditions.

DISPOSITION: 12-14-60. Default—delivered to a public institution for use as animal feed.

26934. Canned peas. (F.D.C. No. 44131. S. Nos. 20-444 R, 20-661/2 R.)

QUANTITY: 529 1-lb. 1-oz. cans at Detroit, Mich.

SHIPPED: 1-12-60, from Oconomowoc, Wis., by Oconomowoc Canning Co.

LABEL IN PART: (Can) "Reliable Brand Peas * * * The Great Atlantic & Pacific Tea Company, New York, N.Y. Distributor."

LIBELED: 4-22-60, E. Dist. Mich.

CHARGE: 402(a)(3)—contained insects and insect parts when shipped.

DISPOSITION: 10-6-60. Default—destruction.

26935. Canned peas. (F.D.C. No. 44845. S. No. 12-013 R.)

QUANTITY: 126 cases, 24 15-oz. cans each, at River Grove, Ill.

SHIPPED: 7-7-60, from Nebraska City, Nebr., by Otoe Food Products Co.

LABEL IN PART: (Can) "Yacht Club Dried Early June Peas * * * Packed From Dry Stock * * * Consolidated Foods Corporation Distributors Chicago, Ill."

LIBELED: 8-9-60, N. Dist. Ill.

CHARGE: 403(a)—when shipped, the label vignette depicting succulent green peas was false and misleading as applied to the article which was prepared from dried peas; and 403(h)(1)—the quality of the article fell below the standard of quality for canned peas since the article was a smooth skin variety of peas and the alcohol-insoluble solids of peas in the container were more than 23.5 percent, and its label failed to bear a statement that it fell below such standard.

DISPOSITION: 10-10-60. Default—destruction.

26936. Canned peas. (F.D.C. No. 44852. S. No. 36-842 R.)

QUANTITY: 24 ctns., 48 15-oz. cans each, at Berlin, N.J.

SHIPPED: 7-8-60, from Cambridge, Md., by Coastal Foods Co.

LABEL IN PART: (Can) "Royal Crown Brand Dried Early June Peas Packed From Dry Stock * * * Packed by Coastal Foods Co. Division of Consolidated Foods Corporation, Cambridge, Md."

LIBELED: 8-23-60, Dist. N.J.

CHARGE: 403(a)—when shipped, the label vignette depicting succulent green peas was false and misleading as applied to the article which was prepared from dried peas; and 403(h)(1)—the quality of the article fell below the standard of quality for canned peas since it contained more than 25 percent by count of peas ruptured to a width of more than $\frac{1}{16}$ "', and the article was a smooth skin variety of peas, and the alcohol-insoluble solids of peas in the container were more than 23.5 percent, and its label failed to bear a statement that it fell below such standard.

DISPOSITION: 10-13-60. Default—destruction.

26937. Canned peas. (F.D.C. No. 44804. S. No. 16-867 R.)

QUANTITY: 29 cases, 48 15½-oz. cans each, at Knoxville, Tenn.

SHIPPED: 5-31-60, from Atlanta, Ga., by Bilt-More Food Products Co., Inc.

LABEL IN PART: (Can) "Dixie Chef Brand Yelloweyed Peas Packed in Sauce * * * Packed by Bilt-More Food Products Co., Inc. Atlanta, Ga."

RESULTS OF INVESTIGATION: Examination showed the article to be canned yellow-eyed peas packed in water with salt added.

LIBELED: 9-27-60, E. Dist. Tenn.

CHARGE: 403(a)—when shipped, the label statement "Packed in Sauce" was false and misleading as applied to an article packed in salt water; and 403(i)(2)—the article was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient, since salt and water were not declared.

DISPOSITION: 11-8-60. Default—delivered to a charitable institution.

26938. Canned pimentos. (F.D.C. No. 42067. S. Nos. 39-072 P, 39-432 P.)

QUANTITY: 32 cases, 24 jars each, at San Francisco, Calif.

SHIPPED: 3-7-57, from Griffin, Ga., by Pomona Products Co.

LABEL IN PART: (Jar lid) "Contents 7 oz. Pomona Sunshine Pimientos."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 7-28-58, N. Dist. Calif.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 7-21-59. Default—delivered to a Federal institution for human consumption.

26939. Canned sweetpotatoes. (F.D.C. No. 44762. S. No. 30-766 R.)

QUANTITY: 60 cases, 6 6-lb. 6-oz. cans each, at Birmingham, Ala.

SHIPPED: 6-3-59, from Federalsburg, Md.

LIBELED: 8-2-60, N. Dist. Ala.

CHARGE: 402(a)(3)—contained a decomposed substance while held for sale.

DISPOSITION: 9-6-60 and 9-14-60. Default—destruction.

NUTS*

26940. Shelled almonds. (F.D.C. No. 43707. S. Nos. 3-453/4 P, 42-606 P, 49-330 P, 56-393 P.)

INFORMATION FILED: 2-1-60, N. Dist. Calif., against the California Almond Growers Exchange, a corporation, Sacramento, Calif.

SHIPPED: Between 11-26-58 and 1-12-59, from California to Virginia, Washington, and Georgia.

LABEL IN PART: (Ctn. and bag) "California Shelled Almonds Blue Diamond Almonds Brand Variety Mission Select Sheller Run [or "Fancy Almonds * * * Blue Diamond Brand," "Blue Diamond Brand California Shelled Almonds Fine Steel Cut" or "California Shelled Almonds Blue Diamond Brand * * * Fancy Almond Blanched Splits"] Packed by California Almond Growers Exchange Sacramento, California."

CHARGE: 402(a)(3)—contained rodent hairs and *E. coli*; and 402(a)(4)—prepared and packed under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 3-11-60. \$500 fine.

26941. Shelled peanuts. (F.D.C. No. 42072. S. Nos. 19-951/2 P.)

QUANTITY: 264 125-lb. bags at Crete, Nebr.

SHIPPED: 3-24-58, from Troy, Ala., by Alabama Warehouse Co., Inc.

LIBELED: 8-8-58, Dist. Nebr.

CHARGE: 402(a)(3)—contained insects and dirty, moldy, rancid, and decomposed nuts when shipped.

DISPOSITION: 12-11-58. Consent—claimed by J. F. Garvey Co., Lincoln, Nebr., and converted to animal feed.

26942. Shelled walnuts and shelled almonds. (F.D.C. No. 43256. S. Nos. 10-194 P, 13-227 P, 27-027 P.)

INFORMATION FILED: 10-20-59, N. Dist. Calif., against T. M. Duche & Sons, Inc., a corporation, Orland, Calif.

SHIPPED: Between 10-10-58 and 10-17-58, from California to New York, Illinois, and Minnesota.

LABEL IN PART: (Ctn.) "California Shelled Walnuts T. M. DUCHE AND SONS, INC. * * * SMALL LIGHT AMBER CUT PIECES [or "STANDARD HALVES & PIECES"]," and "CALIFORNIA SLICED ALMONDS T. M. DUCHE AND SONS, INC."

CHARGE: 402(a)(3)—contained insects, insect fragments, insect excreta, and rodent hairs; and 402(a)(4)—prepared and packed under insanitary conditions.

PLEA: Not guilty.

DISPOSITION: The case came on for trial before the court without a jury on 11-20-59. The trial was concluded on the same day with a judgment of guilty. On 12-30-59, the defendant was fined \$750.

26943. Unshelled brazil nuts. (F.D.C. No. 45160. S. No. 40-255 R.)

QUANTITY: 102 cases, 24 1-lb. bags each, at Granite City, Ill.

*See also Nos. 26874, 26948.

SHIPPED: 10-11-60, from Dallas, Tex.

LIBELED: 11-23-60, S. Dist. Ill.

CHARGE: 402(a)(3)—contained insect-infested, rancid, moldy nuts, and empty shells while held for sale.

DISPOSITION: 12-22-60. Default—destruction.

26944. Unshelled brazil nuts. (F.D.C. No. 44838. S. No. 39-864 R.)

QUANTITY: 75 cases, 12 2-lb. bags each, at St. Louis, Mo.

SHIPPED: 10-11-60, from Dallas, Tex., by Hines Nut Co.

LABEL IN PART: (Case) "Golden Goodee Large Brazils Packed by Hines Produce Co., Dallas, Texas" "HHH Brand Large Washed Dyed & Polished" and (bag) "Triple HHH Brand * * * Brazil Nuts Packed by Hines Nut Co., Dallas, Texas."

LIBELED: 10-25-60, E. Dist. Mo.

CHARGE: 402(a)(3)—contained insect-infested, moldy, rancid, shriveled nuts, and empty shells when shipped.

DISPOSITION: 12-14-60. Default—delivered to a public institution for use as animal feed.

26945. Unshelled peanuts. (F.D.C. No. 44831. S. No. 48-539 R.)

QUANTITY: 303 100-lb. bags at Pueblo, Colo.

SHIPPED: 8-31-60, from Franklin, Va.

LIBELED: 10-21-60, Dist. Colo.

CHARGE: 402(a)(3)—contained insects, insect webbing, rodent excreta, and moldy, decomposed nuts while held for sale.

DISPOSITION: 11-22-60. Consent—claimed by McCormick Distributing Co., Pueblo, Colo. Segregated; 525 lbs. denatured for use as animal feed.

26946. Unshelled pecans. (F.D.C. No. 44763. S. No. 27-415 R.)

QUANTITY: 8 cases, 24 1-lb. bags each, at Duluth, Minn.

SHIPPED: 11-27-59, from Chicago, Ill.

LIBELED: 8-4-60, Dist. Minn.

CHARGE: 402(a)(3)—contained insect-infested and moldy nuts while held for sale.

DISPOSITION: 9-16-60. Default—destruction.

26947. Coconuts. (F.D.C. No. 45007. S. No. 33-550 R.)

QUANTITY: 225 sacks at Brooklyn, N.Y.

SHIPPED: 9-2-60, from Mayaguez, P.R.

RESULTS OF INVESTIGATION: Examination showed that the article was submerged in polluted river water. The contamination occurred as a result of a storm on 9-13-60, which flooded the pier at Brooklyn, N.Y., where the article was stored.

LIBELED: 11-1-60, E. Dist. N.Y.

CHARGE: 402(a)(4)—held under insanitary conditions while in interstate commerce.

DISPOSITION: 12-27-60. Default—destruction.

SPICES, FLAVORS, AND SEASONING MATERIALS

26948. Mustard seed and shelled peanuts. (F.D.C. No. 44333. S. Nos. 17-911/2 P.)

INFORMATION FILED: 7-19-60, M. Dist. Tenn., against American Tea & Coffee Co., Inc., Nashville, Tenn., and Marvin R. Bubis, secretary-treasurer of the corporation.

ALLEGED VIOLATIONS: Between 4-8-59 and 10-30-59, the defendants caused quantities of mustard seed and shelled peanuts, while held for sale after shipment in interstate commerce, to be held in a building accessible to rodents and to be exposed to contamination by rodents, which acts resulted in the articles being adulterated.

CHARGE: 402(a)(3)—contained rodent urine, rodent excreta, and rodent hairs; and 402(a)(4)—held under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 12-1-60. Corporation fined \$500, of which \$250 was suspended; individual placed on probation for 2 years.

26949. Monosodium glutamate. (F.D.C. No. 44208. S. No. 90-961 P.)

QUANTITY: 2 100-lb. drums at Needham Heights, Mass.

SHIPPED: 12-22-59, from Paterson, N.J.

LIBELED: 1-27-60, Dist. Mass.

CHARGE: 402(b)(2)—while held for sale, 10 percent or more of salt had been substituted in part for monosodium glutamate; and 402(b)(4)—salt had been added to the article so as to increase its bulk or weight and reduce its quality or strength.

DISPOSITION: 4-26-60. Default—destruction.

26950. Black pepper. (F.D.C. No. 43702. S. Nos. 6-186 P, 15-821 P.)

INFORMATION FILED: 2-15-60, E. Dist. N.Y., against Safe Owl Products, Inc., Brooklyn, N.Y.

SHIPPED: Between 8-14-58 and 1-12-59, from New York to Ohio and Maryland.

LABEL IN PART: (Can) "Safe Owl Finer Foods Pure Black Pepper Safe Owl Products, Inc. Brooklyn, N.Y. Manufacturer 1 Lb. Net. [1 Oz. Net or 4 Oz. Net or 8 Oz. Net]," and "Flagstaff Brand Pure Black Pepper Net 1¼ Oz. Distributors Flagstaff Foods Perth Amboy, N.J."

CHARGE: 402(b)(2)—ground buckwheat hulls had been substituted in whole or in part for black pepper; and 402(b)(4)—ground buckwheat hulls had been added to the article or mixed or packed with it so as to increase its bulk or weight and reduce its quality; 403(a)—the label statement "Pure Black Pepper" was false and misleading as applied to an article which also contained ground buckwheat hulls; and 403(e)(2)—a portion of the article failed to bear a label containing an accurate statement of the quantity of contents—the article in the cans labeled "1¼ Oz." was short weight.

PLEA: Guilty.

DISPOSITION: 10-20-60. \$1,000 fine.

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¹ (26890) Seizure contested.
² (26879) Injunction issued.

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N.J. No.		N.J. No.
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Inc.:		Foremost Dairies, Inc.:	
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Cahill & Co.:		wheat-----	26881
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California Almond Growers Ex-		sugar-----	26887
change:		Hegman, Ralph, Co.:	
shelled almonds-----	26940	wheat-----	26879

² (26879) Injunction issued.

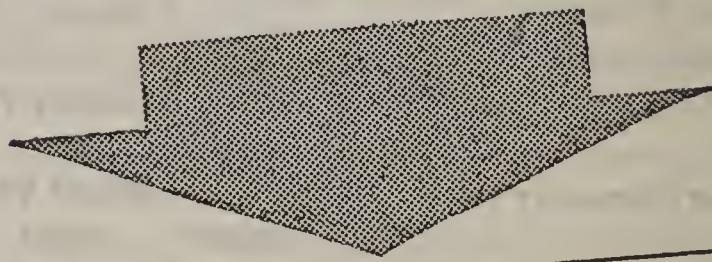
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		butter_____	26892

¹ (26890) Seizure contested.

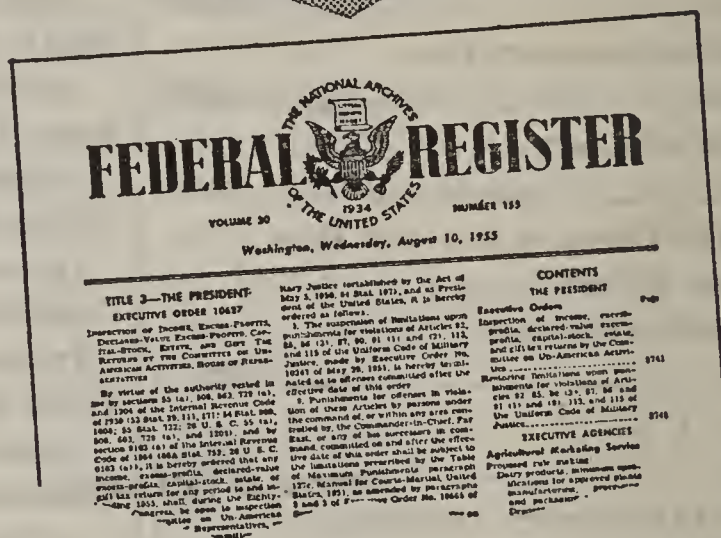
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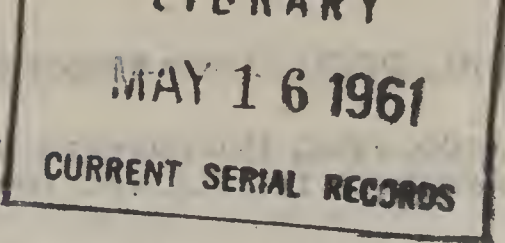
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U.S. Department of Health, Education, and Welfare
FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,
DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

26951-27000

FOODS

The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were adulterated or misbranded within the meaning of the Act when introduced into and while in interstate commerce, or while held for sale after shipment in interstate commerce. These cases involve (1) seizure proceedings in which decrees of condemnation were entered by default, or by consent; (2) criminal proceedings which were terminated upon pleas of guilty or nolo contendere; and (3) an injunction proceeding terminated upon the entry of a permanent injunction by consent. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal and injunction proceedings are against the *firms* or *individuals* charged to be responsible for violations.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D.C.

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**SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS
REPORTED IN F.N.J. NOS. 26951-27000**

Adulteration, Section 402(a) (1), the article contained a poisonous or deleterious substance which would ordinarily render the food injurious to health; Section 402(a) (2) (A), the article contained an added poisonous and deleterious substance which is unsafe within the meaning of Section 406; Section 402(a) (3), the article consisted in part of a filthy or decomposed substance, or was otherwise unfit for food; Section 402(a) (4), the article had been prepared, packed, or held under insanitary conditions whereby it may have been contaminated with filth; Section 402(b) (1), a valuable constituent had been in whole or in part omitted or abstracted from the article; Section 402(b) (2), a substance had been substituted in whole or in part for the article; Section 402(b) (4), a substance had been added to the article or mixed or packed therewith so as to increase its bulk or weight; and Section 406, a poisonous or deleterious substance was added to food when such substance was not required in the production thereof and could have been avoided by good manufacturing practice.

Misbranding, Section 403(a), the labeling of the article was false and misleading; Section 403(e), the article was in package form, and it failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; Section 403(i), the article was not subject to the provisions of Section 403(g) and (1) its label failed to bear the common or usual name of the food, and (2) the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each ingredient; and Section 403(j), the article purported to be and was represented for special dietary uses, and its label failed to bear such information concerning its vitamin, mineral, and other dietary properties as the Secretary has determined to be, and by regulation prescribed as, necessary in order fully to inform purchasers as to its value for such uses.

CEREALS AND CEREAL PRODUCTS

FLOUR*

26951. Flour, sirup, salt, cheese, coffee, baking mixes, macaroni products, cereals, and other miscellaneous foods. (Inj. No. 356.)

COMPLAINT FOR INJUNCTION FILED: 4-29-59, S. Dist. Iowa, against the Atlantic Wholesale Grocery Co., Inc., a corporation, Atlantic, Iowa, and Roy H. Frazier, vice president and general manager of the corporation.

CHARGE: The complaint alleged that the defendants were engaged in the business of receiving, storing, and selling various food products such as flour, sirup, salt, cheese, coffee, canned foods, baking mixes, macaroni products, breakfast cereals, and other food products commonly handled by wholesale groceries, and that the defendants had been and were placing and causing to be placed in a building infested with rodents and open to birds, and had been and were exposing and causing to be exposed to contamination by rodents and birds such articles of food, while they were held for sale after shipment in interstate commerce.

The complaint alleged further that the acts of placing and causing the foods to be placed in such building and of exposing and causing the foods to be exposed to such contamination resulted in the foods being adulterated within

*See also No. 26957.

the meaning of 402(a)(3) in that the foods consisted in part of rodent and bird filth; and within the meaning of 402(a)(4) in that the foods were held in such building under insanitary conditions whereby they may have become contaminated with filth.

The complaint alleged also that the insanitary conditions in the defendants' warehouse where the foods were stored resulted from and consisted of the presence of mouse pellets, bird excreta, a dead bird, and miscellaneous debris in the flour room in the garage attached to the main warehouse building; mouse pellets on the floor and along the walls of the sirup and soap room in the garage; bird excreta on cases of sirup, live birds, and open doors providing easy access to rodents and birds, in the garage; mouse pellets and three dead mice in the salt room; mouse pellets in the cooler in which cheese is stored; numerous mouse pellets in the small room used for the storage of coffee; mouse pellets and a dead mouse in the shipping room in the main building; mouse pellets along the walls of the canned goods room, on a number of skids and in a bait box in such room, and mouse pellets and rodent urine on the surface of an open sugar bag in the room; numerous mouse pellets on the floor, along the walls, and on and around various skids in the general storage area of the warehouse; mouse pellets on a shelf used for storing baking mixes and rodent-gnawed and urine-contaminated cases of spaghetti in the general storage area; and dead mice, mouse pellets, and rodent-gnawed and urine-contaminated cereal packages in the west room of the second floor of the warehouse.

The complaint alleged also that since 1950 a number of inspections had been made of the defendants' warehouse by inspectors of the Food and Drug Administration at which times the defendants were warned of the insanitary conditions existing in the warehouse; that the defendants had been warned about such conditions by notices of hearing issued in December 1956 and in the summer of 1958; and that despite such warnings the defendants had failed to correct the insanitary conditions.

DISPOSITION: On 6-11-59, the defendants having consented, the court issued a decree of permanent injunction. The decree enjoined the defendants from:

(a) doing or causing to be done any act with respect to any articles of food while they are held for sale after shipment in interstate commerce, which act results in such foods being contaminated by filth or in such foods being held under insanitary conditions whereby they may become contaminated with filth;

(b) placing or causing to be placed any articles of food in the defendants' warehouse in Atlantic, Iowa, after shipment of such foods in interstate commerce, unless and until all insanitary conditions which may result in the contamination of food while held in the warehouse are eliminated;

(c) disposing of any articles of food held by said defendants in said warehouse after shipment in interstate commerce which are contaminated by filth or whose containers have become contaminated with such filth.

26952. Flour. (F.D.C. No. 44903. S. Nos. 3-959/60 R.)

QUANTITY: 84 bales, 24 2-lb. bags each, and 44 bales, 10 5-lb. bags each, at Baltimore, Md., in possession of Mansfield & Oursler.

SHIPPED: 6-22-60, from Buffalo, N.Y.

LIBELED: 9-21-60, Dist. Md.

CHARGE: 402(a)(4)—held under insanitary conditions.

DISPOSITION: 10-17-60. Default—destruction.

26953. Flour. (F.D.C. No. 44891. S. No. 7-154 R.)

QUANTITY: 43 100-lb. bags at South Boston, Mass.

SHIPPED: 8-4-60, from Harrisburg, Pa.

LIBELED: 9-13-60, Dist. Mass.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 10-21-60. Default—delivered to a public institution for use as animal feed.

26954. Flour. (F.D.C. No. 44789. S. No. 42-183 R.)

QUANTITY: 124 100-lb. bags at San Francisco, Calif., in possession of R. J. Whitman Sales Co.

SHIPPED: 6-20-60, from Billings, Mont.

LIBELED: 9-1-60, N. Dist. Calif.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 11-21-60. Consent—claimed by Robert J. Whitman, t/a R. J. Whitman Sales Co., and denatured for use as animal feed.

26955. Flour and cake mix. (F.D.C. No. 44308. S. Nos. 52-642 P, 52-753 P.)

INFORMATION FILED: 5-24-60, S. Dist. Iowa, against Institutional Wholesale Grocers, Inc., Des Moines, Iowa, and Elmer Lindblom, president.

ALLEGED VIOLATIONS: Between 6-26-59 and 9-18-59, while a number of bags of flour and cake mix were being held for sale after shipment in interstate commerce, the defendants caused the articles to be held in a building that was accessible to insects, and to be exposed to contamination by insects, which acts resulted in the articles being adulterated.

CHARGE: 402(a)(3)—contained insects and insect fragments; and 402(a)(4)—held under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 1-4-61. Corporation—\$200 fine, plus costs; individual defendant—imposition of sentence suspended.

MACARONI AND NOODLE PRODUCTS*

26956. Egg noodles. (F.D.C. No. 44892. S. Nos. 40-956/60 R.)

QUANTITY: 38 cases, 12 1-lb. pkgs. each, and 21 cases, 24 8-oz. pkgs. each, at St. Louis, Mo.

SHIPPED: 1-18-60 and 6-28-60, from New York, N.Y.

LIBELED: 9-19-60, E. Dist. Mo.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 10-17-60. Default—delivered to a state organization for use as animal feed.

*See also No. 26951.

26957. Egg noodles, flour, and rice. (F.D.C. No. 44720. S. Nos. 7-397/9 R.)

QUANTITY: 32 cases, 12 1-lb. bags each, of noodles; 15 cases, 10 5-lb. bags each, of flour; and 5 100-lb. bags of rice; at Boston, Mass., in possession of A. Baldini Co., Inc.

SHIPPED: (Noodles) 5-19-60 and 5-25-60, from Lebanon, Pa.; (flour) 1-27-60, from Buffalo, N.Y.; and (rice) 3-1-60, from Stuttgart, Ark.

LIBELED: 7-14-60, Dist. Mass.

CHARGE: 402(a)(3)—contained insects; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 9-13-60. Default—destruction.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS*

26958. Wheat. (F.D.C. No. 44521. S. Nos. 24-965/8 R.)

QUANTITY: 170,000 lbs. at Kansas City, Kans.

SHIPPED: 6-6-60, from Pueblo, Colo., by Pueblo Elevators, Inc.

LIBELED: 7-14-60, Dist. Kans.

CHARGE: 402(a)(3)—contained insect-damaged kernels when shipped.

DISPOSITION: 8-25-60. Consent—claimed by Standard Milling Co., Kansas City, Mo., and reconditioned.

26959. Wheat. (F.D.C. No. 44905. S. Nos. 18-063/9 R.)

QUANTITY: 54,195 bushels at Denver, Colo.

SHIPPED: Between 7-9-60 and 7-25-60, from Chugwater and Lingle, Wyo., and Dix, Kimball, Hemingford, and Bushnell, Nebr.

RESULTS OF INVESTIGATION: The wheat had been damaged by water during efforts to extinguish a fire on 8-23-60, at the grain elevator of the Colorado Milling & Elevator Co., Denver, Colo.

LIBELED: 9-20-60, Dist. Colo.

CHARGE: 402(a)(3)—contained sour and decomposed wheat while held for sale.

DISPOSITION: 10-12-60. Consent—claimed by Jack Boxer & Son, Inc., Brush, Colo. Segregated; 384,000 lbs. destroyed and the remainder denatured for use as animal feed.

26960. Biscuit mix. (F.D.C. No. 44800. S. No. 31-965 R.)

QUANTITY: 317 cases, 12 2-lb. pkgs. each, at New Orleans, La.

SHIPPED: 8-15-60, from San Antonio, Tex.

LIBELED: 9-21-60, E. Dist. La.

CHARGE: 402(a)(3)—contained insects and insect larvae while held for sale.

DISPOSITION: 11-9-60. Default—destruction.

26961. Donut mix. (F.D.C. No. 44832. S. Nos. 38-977 R, 38-986 R.)

QUANTITY: 33 100-lb. bags at Memphis, Tenn.

SHIPPED: 8-13-60, from Hillsdale, Mich.

LIBELED: 10-21-60, W. Dist. Tenn.

CHARGE: 402(a)(3)—contained insects while held for sale.

*See also No. 26957.

DISPOSITION: 11-22-60. Default—delivered to a public institution for use as animal feed.

26962. Donut mix. (F.D.C. No. 44879. S. Nos. 38-968/71 R.)

QUANTITY: 175 100-lb. bags at Memphis, Tenn.

SHIPPED: 6-2-60 and 6-7-60, from Hillsdale, Mich., and Ellicott City, Md.

LIBELED: 9-2-60, W. Dist. Tenn.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 10-6-60. Default—delivered to a public institution for use as animal feed.

COCOA PRODUCT AND SUGAR*

26963. Cocoa beans. (F.D.C. No. 45111. S. Nos. 13-818/22 R, 13-824/8 R.)

QUANTITY: 2,346 bags, containing a total of 332,275 lbs., at Milwaukee, Wis.

SHIPPED: Between 1-6-60 and 9-21-60, from New York, N.Y.

LIBELED: 11-28-60, E. Dist. Wis.

CHARGE: 402(a)(3)—contained insects and insect-damaged beans while held for sale.

DISPOSITION: 12-1-60. Consent—claimed by Ambrosia Chocolate Co., Milwaukee, Wis. Segregated; approximately 72,630 lbs. destroyed.

26964. Cane sugar. (F.D.C. No. 45053. S. No. 36-042 R.)

QUANTITY: 20 100-lb. sacks at Brooklyn, N.Y.

SHIPPED: 9-3-60, from Mercedita, Puerto Rico.

RESULTS OF INVESTIGATION: Inspection showed that the article had been submerged in polluted river water. The contamination occurred as a result of a storm on 9-13-60, which flooded the pier at Brooklyn, N.Y., where the article was stored.

LIBELED: 11-30-60, E. Dist. N.Y.

CHARGE: 402(a)(4)—held under insanitary conditions while in interstate commerce.

DISPOSITION: 2-8-61. Default—destruction.

26965. Powdered sugar. (F.D.C. No. 44812. S. No. 23-751 R.)

QUANTITY: 80 cases, 24 1-lb. boxes each, at Kansas City, Kans.

SHIPPED: On various dates, from outside the State of Kansas.

LIBELED: 10-14-60, Dist. Kans.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 1-5-61. Default—destruction.

DAIRY PRODUCTS

BUTTER

26966. Butter. (F.D.C. No. 43754. S. Nos. 53-122/3 R.)

QUANTITY: 412 64-lb. boxes at St. Paul, Minn.

SHIPPED: 11-2-60, from Bismarck, N. Dak., by Armour Creameries.

*See also Nos. 26988, 26990.

LIBELED: 11-17-60, Dist. Minn.

CHARGE: 402(b)(2)—when shipped, a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: 11-29-60. Consent—claimed by Armour & Co., Chicago, Ill., and reworked to bring it into compliance with the law.

FEEDS AND GRAINS

26967. Barley meal. (F.D.C. No. 45028. S. No. 33-237 R.)

QUANTITY: 48 bags, containing a total of 4,800 lbs., at Brooklyn, N.Y.

SHIPPED: The article was delivered, on 8-30-60, to a ship pier at Brooklyn, N.Y., for shipment to Iceland.

RESULTS OF INVESTIGATION: Examination showed that the article was moldy. This condition developed following submersion in polluted river water, which occurred as a result of a storm on 9-13-60, which flooded the pier where the article was stored.

LIBELED: 11-9-60, E. Dist. N.Y.

CHARGE: 402(a)(3)—contained a decomposed substance while in interstate commerce.

DISPOSITION: 2-8-61. Default—destruction.

26968. Cottonseed meal. (F.D.C. No. 42498. S. Nos. 524 P, 526 P.)

INFORMATION FILED: 8-5-60, E. Dist. Ark., against Swift & Co., a corporation, Little Rock, Ark.

SHIPPED: 10-9-59 and 11-30-59, from Arkansas to Oklahoma.

LABEL IN PART: "100 Lbs Net Wt S W I F T ' S Cottonseed Meal Or Pellets 41% Protein—Prime Quality Guaranteed Analysis Crude Protein, not less than 41.00% Crude Fibre, not more than 14.00% Manufactured By SWIFT & COMPANY Chicago, Ill. Mfg. at Little Rock, Ark."

CHARGE: 402(b)(1)—a valuable constituent, protein, had been in whole or in part omitted from the article; 402(b)(4)—crude fibre had been added to the article so as to increase its bulk or weight; and 403(a)—the label statements "Crude Protein, not less than 41.00%" and "Crude Fibre, not more than 14.00%" were false and misleading since the article contained less than 41 percent of crude protein and more than 14 percent of crude fibre.

PLEA: Nolo contendere.

DISPOSITION: 9-27-60. \$400 fine.

26969. Cracked wheat and barley malt. (F.D.C. No. 45129. S. Nos. 8-737/8 R.)

QUANTITY: 126 100-lb. bags of cracked wheat, and a commingled lot of 30,000 to 40,000 lbs. of barley malt, at Albany, N.Y., in possession of Hedrick Brewing Co., Inc.

SHIPPED: The wheat was shipped on 5-25-60, from Chicago, Ill., and the barley malt was shipped during August and September 1960, from Manitowoc, Wis., and Toronto, Canada.

LIBELED: 11-2-60, N. Dist. N.Y.

CHARGE: 402(a)(3)—both articles contained insects and the barley malt also contained rodent excreta; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 12-27-60. Default—destruction.

26970. Feeding whole wheat (4 seizure actions). (F.D.C. Nos. 45029, 45030, 45031, 45032. S. Nos. 33-233 R, 33-240 R, 33-541 R, 36-121 R.)

QUANTITY: 223 bags, containing a total of 22,390 lbs., at Brooklyn, N.Y.

SHIPPED: The article was delivered, on 8-25-60 and 8-30-60, to a ship pier at Brooklyn, N.Y., for shipment to Iceland.

RESULTS OF INVESTIGATION: Examination showed that the article was moldy. This condition developed following submersion in polluted river water, which occurred as a result of a storm on 9-13-60, which flooded the pier where the article was stored.

LIBELED: 11-9-60, E. Dist. N.Y.

CHARGE: 402(a)(3)—contained a decomposed substance while in interstate commerce.

DISPOSITION: 2-8-61. Default—destruction.

FISH AND SHELLFISH

26971. Frozen ocean perch fillets. (F.D.C. No. 44907. S. No. 7-936 R.)

QUANTITY: 19 cases, 10 5-lb. ctns. each, at Boston, Mass.

SHIPPED: These fillets were from fish caught by the fishing vessel "Ethelena" in the waters of the Atlantic Ocean outside the limits of Massachusetts, and landed at the Boston Fish Pier on 9-6-60.

LIBELED: 9-22-60, Dist. Mass.

CHARGE: 402(a)(3)—contained parasitic copepods when shipped.

DISPOSITION: 11-14-60. Default—delivered to a public institution for use as animal feed.

26972. Frozen whiting. (F.D.C. No. 44901. S. No. 7-867 R.)

QUANTITY: 372 10-lb. boxes at Rockland, Maine.

SHIPPED: Whiting fish were caught by the fishing vessel "Louise G," in the waters of the Atlantic Ocean outside the limits of the State of Maine, on or about 8-30-60.

LIBELED: 9-19-60, Dist. Maine.

CHARGE: 402(a)(3)—contained decomposed fish when shipped.

DISPOSITION: 10-24-60. Default—sold for conversion into fertilizer.

26973. Frozen halibut and frozen red snappers. (F.D.C. No. 44249. S. Nos. 85-616 P, 96-864/5P.)

QUANTITY: 43 boxes, containing a total of 8,867 lbs. of halibut, and 2 boxes, containing a total of 153 lbs. of red snappers, at Monmouth Beach, N.J.

SHIPPED: Between 9-10-58 and 12-28-59, from New York, N.Y.

LIBELED: 2-24-60, Dist. N.J.

CHARGE: 402(a)(3)—contained decomposed fish while held for sale.

DISPOSITION: Halibut—5-4-60. Consent—claimed by Eastern Commission Co., Inc., New York, N.Y. Segregated; 5,842 lbs. destroyed. Red snappers—12-9-60. Default—destruction.

26974. Frozen oysters. (F.D.C. No. 44833. S. No. 340 R.)

QUANTITY: 9 cases, 14 4-lb. size cans each, at Honolulu, Hawaii.

SHIPPED: 7-18-60, from Seattle, Wash., by Swiftsure Fisheries.

LABEL IN PART: "Harbor Fish Co. Wash. Cert. No. 180 Pacific Oysters Small Aberdeen, Washington"; "Pacific Oysters Wash Cert 70 Tyee Gig Harbor, Wash. Small Contents Lbs. Net Keep Refrigerated"; "Sm Oys"; "Small Oyst"; or "Med Oys."

RESULTS OF INVESTIGATION: Examination showed the article had an average net weight of 3 lbs., 7.83 oz. per can.

LIBELED: 10-21-60, Dist. Hawaii.

CHARGE: 403(e)—when shipped, most cans of the article failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor and (2) all cans of the article failed to bear an accurate statement of the quantity of contents; and 403(i) (1)—the label on most cans of the article failed to bear the common or usual name of the food.

DISPOSITION: 11-25-60. Default—delivered to charitable institutions.

FRUITS AND VEGETABLES

CANNED FRUIT*

26975. Canned cranberry sauce. (F.D.C. No. 43989. S. No. 90-532 P.)

QUANTITY: 336 cases, 24 1-lb. cans each, at Portland, Maine.

SHIPPED: 11-3-59, from Hanson, Mass., by National Cranberry Association.

LABEL IN PART: (Can) "Ocean Spray Cranberry Sauce Whole * * * Packed by National Cranberry Association, Hanson, Mass."

LIBELED: 12-14-59, Dist. Maine.

CHARGE: 402(a) (2) (A)—when shipped, the article contained an added poisonous and deleterious substance, namely, aminotriazole, which is unsafe within the meaning of 406 since such substance is not required in the production of the food and can be avoided by good manufacturing practice.

DISPOSITION: 9-16-60. Default—destruction.

26976. Canned cranberry sauce. (F.D.C. No. 43830. S. No. 88-116 P.)

QUANTITY: 126 cases, 24 1-lb. cans each, at Columbus, Ohio.

SHIPPED: 8-12-59 and 10-19-59, from Onset, Mass., by National Cranberry Association.

LABEL IN PART: (Can) "Ocean Spray Cranberry Sauce Whole * * * Packed by National Cranberry Association, Hanson, Mass."

LIBELED: On or about 12-1-59, S. Dist. Ohio.

CHARGE: 402(a) (2) (A)—when shipped, the article contained an added poisonous and deleterious substance, namely, aminotriazole, which is unsafe within the meaning of 406 since such substance is not required in the production of this food and can be avoided by good manufacturing practice.

DISPOSITION: 12-22-60. Default—destruction.

DRIED FRUIT

26977. Dried currants. (F.D.C. No. 45092. S. No. 6-952 R.)

QUANTITY: 43 25-lb. cartons at Providence, R.I.

SHIPPED: 2-19-60, from Fresno, Calif.

*See also No. 26990.

LIBELED: 11-15-60, Dist. R.I.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 12-8-60. Default—destruction.

26978. Raisins and prunes. (F.D.C. No. 44878. S. Nos. 18-047/51 R.)

QUANTITY: 65 cases, 12 1-lb. 14-oz. bags each, of raisins, and 61 cases, 12 1-lb. bags each, and 82 cases, 12 2-lb. bags each, of prunes, at Mountainair, N. Mex.

SHIPPED: On unknown dates, from California.

LIBELED: 9-2-60, Dist. N. Mex.

CHARGE: 402(a)(3)—contained insects, insect larvae, and moldy fruit while held for sale.

DISPOSITION: 11-16-60. Default—delivered to a Federal institution for use as animal feed.

FROZEN FRUIT

26979. Frozen strawberries. (F.D.C. No. 44767. S. Nos. 22-270 R, 22-714 R.)

QUANTITY: 796 30-lb. cans at Muskogee, Okla.

SHIPPED: 5-31-60 and 6-3-60, from Prairie Grove, Ark., by Kelley Canning Co.

LABEL IN PART: "Whole Strawberries * * * Packed by Kelley Canning Company, Prairie Grove, Arkansas."

LIBELED: 8-4-60, E. Dist. Okla.

CHARGE: 402(a)(3)—contained moldy berries when shipped.

DISPOSITION: 9-7-60. Default—destruction.

VEGETABLES AND VEGETABLE PRODUCTS

26980. Dried Great Northern beans. (F.D.C. No. 44765. S. No. 17-454 R.)

QUANTITY: 162 100-lb. bags and 208 cases, 12 2-lb. bags each, at Eaton, Colo., in possession of Northern Bean Co.

SHIPPED: 9-10-59, from Powell, Wyo.

RESULTS OF INVESTIGATION: The article in the cases was repackaged from the bulk stock shipped as described above.

LIBELED: 8-5-60, Dist. Colo.

CHARGE: 402(a)(3)—contained (100-lb. bags) rodent urine, and (both lots) rodent hairs; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 10-10-60. Consent—claimed by Northern Bean Co., and cleaned to remove the filth.

26981. Dried lima beans, dried navy beans, and green split peas. (F.D.C. No. 44895. S. Nos. 21-617/20 R.)

QUANTITY: 3 100-lb. bags of lima beans, 10 100-lb. bags of navy beans, and 12 100-lb. bags of green split peas, at Cleveland, Ohio.

SHIPPED: Between 3-2-60 and 6-15-60, from Saginaw, Mich., and Marcellus Falls, N.Y.

LIBELED: 9-19-60, N. Dist. Ohio.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 10-18-60. Default—destruction.

26982. Dried black-eyed peas. (F.D.C. No. 44682. S. Nos. 1-097 R, 2-522 R.)

QUANTITY: 701 100-lb. bags at Hialeah, Fla., in possession of Hammond Milling Co.

SHIPPED: 4-7-60, from San Francisco, Calif.

LABEL IN PART: (Bag) "California Blackeyes."

LIBELED: 7-22-60, S. Dist. Fla.

CHARGE: 402(a)(3)—contained insects, insect larvae, and insect parts; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 9-30-60. Default—destruction.

26983. Soybeans. (F.D.C. No. 45297. S. No. 3-329 R.)

QUANTITY: 100,000 lbs. at Selma, N.C.

SHIPPED: 12-2-60, from Manning, S.C., by McLeod Milling Co.

LIBELED: 12-19-60, E. Dist. N.C.

CHARGE: 402(a)(1)—when shipped, the article contained a poisonous or deleterious substance, *Crotalaria* seeds, in a quantity which ordinarily would render the food injurious to health.

DISPOSITION: 12-30-60. Consent—claimed by McLeod Milling Co. Segregated; 1,290 lbs. destroyed.

26984. Soybeans. (F.D.C. No. 45305. S. No. 5-879 R.)

QUANTITY: 100,000 lbs. at Selma, N.C.

SHIPPED: 12-8-60, from Bennettsville, S.C., by George B. Kerr, Inc.

LIBELED: 12-22-60, E. Dist. N.C.

CHARGE: 402(a)(1)—when shipped, the article contained a poisonous or deleterious substance, *Crotalaria* seeds, in a quantity which ordinarily would render the food injurious to health.

DISPOSITION: 1-6-61. Consent—claimed by George B. Kerr, Inc., and cleaned to remove the *Crotalaria* seeds.

26985. Canned peppers. (F.D.C. No. 44766. S. No. 46-433 R.)

QUANTITY: 134 cases, 12 1-pt. jars each, at Toledo, Ohio.

SHIPPED: 6-29-60, from New Baltimore, Mich., by Safie Bros. Farms Pickle Co.

LABEL IN PART: (Jar) "Vlasic Mild'n Mellow Peppers * * * Vlasic Food Products Co. Imlay City, Michigan."

LIBELED: 8-3-60, N. Dist. Ohio.

CHARGE: 402(a)(3)—contained insects and insect parts when shipped.

DISPOSITION: 8-31-60. Default—destruction.

26986. Sweet gherkins (pickles). (F.D.C. No. 44847. S. No. 7-566 R.)

QUANTITY: 16 cases, 4 1-gal. jars each, at Portsmouth, N.H.

SHIPPED: Between 5-6-60 and 7-1-60, from Boston, Mass., by National Pickling Works.

LABEL IN PART: (Jar) "Old Gold Sweet Gherkins * * * Distributed by Geo. D. Emerson Co. Somerville, Mass."

LIBELED: 8-8-60, Dist. N.H.

CHARGE: 402(a)(3)—contained insect fragments; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 10-25-60. Default—destruction.

26987. Cauliflower in brine. (F.D.C. No. 44716. S. No. 7-070 R.)

QUANTITY: 4,000 lbs., contained in 19 unlabeled bbls. of a capacity of 200 lbs. each, at Roxbury, Mass.

SHIPPED: 11-24-59, from Aquebogue, Long Island, N.Y.

LIBELED: 7-14-60, Dist. Mass.

CHARGE: 402(a)(3)—contained insects and decomposed cauliflower while held for sale.

DISPOSITION: 10-21-60. Default—destruction.

26988. Mushroom soup mix, fudge, candy cigarettes, and chocolate-covered peanuts. (F.D.C. No. 44342. S. Nos. 76-906/8 P, 76-910 P.)

INDICTMENT RETURNED: 8-24-60, Dist. Idaho, against Morgan Bros. & Co., a partnership, Lewiston, Idaho, and William L. Morgan, a partner.

ALLEGED VIOLATIONS: On 7-28-59, while quantities of the articles were being held for sale after shipment in interstate commerce, the defendants caused the articles to be held in a building infested with insects and to be exposed to contamination by insects.

CHARGE: 402(a)(4)—held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 11-14-60. Each defendant fined \$2,000.

TOMATOES AND TOMATO PRODUCTS

26989. Canned tomatoes. (F.D.C. No. 44807. S. Nos. 9-732/3 R.)

QUANTITY: 43 cases, 24 #3 cans each, and 7 cases, 48 15-oz. cans each, at Albany, N.Y.

SHIPPED: 3-4-60, from Boston, Mass.

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing decomposition.

LIBELED: 10-6-60, N. Dist. N.Y.

CHARGE: 402(a)(3)—contained decomposed tomatoes while held for sale.

DISPOSITION: 11-11-60. Default—destruction.

26990. Tomato soup, mushroom soup, cranberry sauce, and cane sugar. (F.D.C. No. 45019. S. No. 36-047 R.)

QUANTITY: 50 cases, each containing 24 retail units, of tomato soup in #1 cans, mushroom soup in #1 cans, cranberry sauce in #300 cans, and cane sugar in 1-lb. pkgs., at Brooklyn, N.Y.

SHIPPED: The articles were delivered, on 2-18-60, to a ship pier at Brooklyn, N.Y., for shipment to Peru.

RESULTS OF INVESTIGATION: Inspection showed that the articles had been submerged in polluted river water. The contamination occurred as a result of a storm on 9-13-60, which flooded the pier at Brooklyn, N.Y., where the articles were stored.

LIBELED: 11-7-60, E. Dist. N.Y.

CHARGE: 402(a)(4)—held under insanitary conditions while in interstate commerce.

DISPOSITION: 2-15-61. Default—destruction.

MEAT PRODUCTS AND POULTRY

26991. Frozen pork. (F.D.C. No. 44909. S. No. 4-911 R.)

QUANTITY: 30,820 lbs. in bulk at Baltimore, Md.

SHIPPED: 9-9-60, from Sioux City, Iowa.

LIBELED: 9-22-60, Dist. Md.

CHARGE: 402(a)(3)—contained a decomposed substance while held for sale.

DISPOSITION: 10-18-60. Default—sold for recovery of fat for industrial use.

26992. Frozen dressed poultry. (F.D.C. No. 44758. S. Nos. 30-358/60 R, 30-495 R.)

QUANTITY: 60 25-lb. crates at New Orleans, La.

SHIPPED: 5-25-60, from Morton, Miss.

LIBELED: 7-27-60, E. Dist. La.

CHARGE: 402(a)(3)—contained decomposed poultry while held for sale.

DISPOSITION: 8-30-60. Default—destruction.

26993. Frozen chickens and chicken wings. (F.D.C. No. 44761. S. Nos. 25-424/7 R, 26-524 R.)

QUANTITY: 1,127 boxes at Los Angeles, Calif.

SHIPPED: 6-21-60, from Morton, Miss.

LIBELED: 8-3-60, S. Dist. Calif.; amended 8-8-60.

CHARGE: 402(a)(3)—contained fecal-contaminated chickens, and decomposed chickens while held for sale.

DISPOSITION: 9-26-60. Consent—claimed by B. C. Rogers & Sons, Inc., Morton, Miss. Segregated; 9,906 lbs. denatured.

NUTS

26994. Unshelled peanuts. (F.D.C. No. 44899. S. No. 1-907 R.)

QUANTITY: 25 100-lb. bags at Jacksonville, Fla.

SHIPPED: 6-30-60, from Franklin, Va.

LIBELED: 9-19-60, S. Dist. Fla.

CHARGE: 402(a)(3)—contained insects, insect larvae, and insect-damaged peanuts while held for sale.

DISPOSITION: 10-14-60. Default—delivered to a state institution to be used as animal feed.

26995. Unshelled mixed nuts. (F.D.C. No. 45124. S. Nos. 46-084/5 R.)

QUANTITY: 118 ctns., 24 1-lb. bags each, at Atlanta, Ga.

SHIPPED: 10-11-60, from Norfolk, Va.

LIBELED: 11-29-60, N. Dist. Ga.

CHARGE: 402(a)(3)—contained rancid, moldy, and shriveled nuts while held for sale.

DISPOSITION: 12-6-60. Consent—claimed by Southgate Foods, Inc., Norfolk, Va. Segregated; 204½ lbs. destroyed.

SPICES, FLAVORS, AND SEASONING MATERIALS

26996. Vanilla flavoring (imitation). (F.D.C. No. 45089. S. No. 3-489 R.)

QUANTITY: 7 cases, each containing 12 16-oz. btls., at Parkersburg, W. Va.

SHIPPED: Prior to 11-14-50, from Pennsylvania.

LIBELED: 11-14-60, N. Dist. W. Va.

CHARGE: 402(a)(2)(A)—when shipped, contained an added poisonous and deleterious substance, namely, coumarin, which is unsafe within the meaning of 406.

DISPOSITION: 12-2-60. Default—destruction.

26997. Apple cider vinegar. (F.D.C. No. 44748. S. No. 4-749 R.)

QUANTITY: 75 cases, 4 1-gal. jugs each, at Arlington, Va.

SHIPPED: 7-12-60, from Baltimore, Md., by Inter-State Cider & Vinegar Co.

LABEL IN PART: (Jug) "Log Cabin * * * Pasteurized & Pure Apple Cider Vinegar * * * Manufactured & Guaranteed by Inter-State Cider and Vinegar Co. * * * Baltimore, Md."

RESULTS OF INVESTIGATION: Examination showed that the article was a mixture of apple cider vinegar and distilled vinegar or acetic acid and water.

LIBELED: 8-3-60, E. Dist. Va.

CHARGE: 402(b)(1)—when shipped, the valuable constituent, apple cider vinegar, had been in whole or in part omitted from the article; 402(b)(2)—a substance other than apple cider vinegar had been substituted in whole or in part for apple cider vinegar; and 403(a)—the label statement, "Apple Cider Vinegar" was false and misleading.

DISPOSITION: 10-6-60. Default—delivered to a public institution.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

26998. Precalcin Lactate capsules. (F.D.C. No. 44855. S. No. 3-443 R.)

QUANTITY: 63 unlabeled 100-capsule bags, 23 of which were on the dealer's shelf and 40 in a drum, at Washington, D.C., in possession of Discount Drug Wisconsin, Inc.

SHIPPED: 9-21-59 and 6-2-60, from Mount Vernon, N.Y.

LABEL IN PART: (Drum) "Precalcin Lactate 5000 Capsules * * * Dietary Supplement for Use During Pregnancy and Lactation. * * * Pre-Counted in Units of 100 Capsules Per Bag For Dispensing Purposes only."

LIBELED: 8-15-60, Dist. Columbia.

CHARGE: 403(e)—while held for sale, the article failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor and (2) an accurate statement of the quantity of contents; 403(i)(2)—the article was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient; and 403(j)—the article purported to be and was represented as a food for special dietary use by reason of its vitamin and mineral properties, and its label

failed to bear, as prescribed by regulations, a statement of the dietary properties upon which such use was based in whole or in part.

DISPOSITION: 9-29-60. Default—delivered to the Food and Drug Administration.

26999. Megavite dietary supplement (veterinary). (F.D.C. No. 44540. S. No. 11-301 R.)

QUANTITY: 791 1-pt. btls. at Bradley, Ill.

SHIPPED: 12-2-59, from Minneapolis, Minn.

LABEL IN PART: (Btl.) "MEGAVITE A Vitamin Dietary Supplement for Veterinary Use."

RESULTS OF INVESTIGATION: Examination showed the article contained approximately 70 percent of the declared amount of vitamin B₂, and approximately 87 percent of the declared amount of vitamin C.

LIBELED: 5-9-60, E. Dist. Ill.

CHARGE: 402(b) (1)—while held for sale, the article contained less than the declared amounts of vitamin B₂ and vitamin C; and 403(a)—the label statement "Each 5 cc * * * Contains vitamins * * * B₂ 3 mg. C 50 mg." was false and misleading.

DISPOSITION: 7-13-60. Consent—claimed by C. R. Canfield & Co., Minneapolis, Minn., and additional vitamins were added to the article to bring it into compliance with the Act.

MISCELLANEOUS FOOD

27000. Dough conditioner. (F.D.C. No. 44834. S. No. 23-813 R.)

QUANTITY: 15 100-lb. bags at Chickasha, Okla.

SHIPPED: 9-29-60, from Dallas, Tex.

LIBELED: 10-24-60, E. Dist. Okla.

CHARGE: 402(a) (3)—contained insects while held for sale; and 402(a) (4)—held under insanitary conditions.

DISPOSITION: 12-7-60. Consent—destruction.

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¹ (26951) Injunction issued.

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¹ (26951) Injunction issued.

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¹ (26951) Injunction issued.

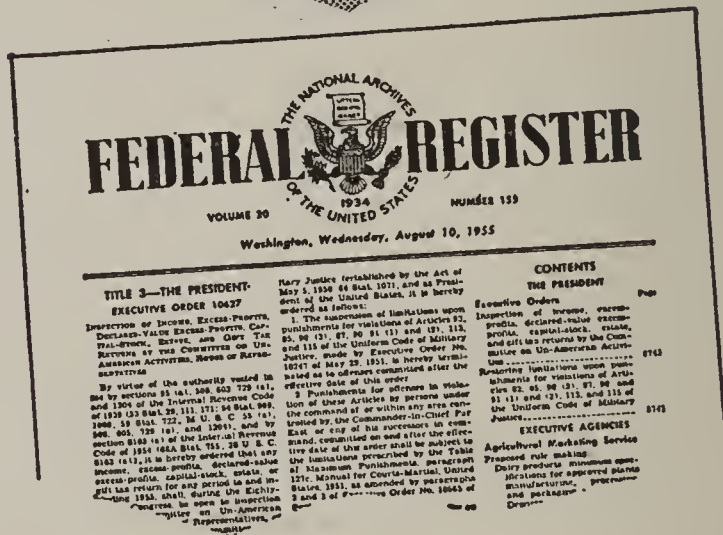
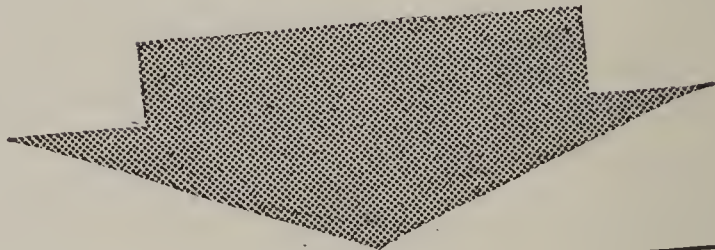
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JUN 28 1961

CURRENT SERIAL RECORD

U.S. Department of Health, Education, and Welfare

Food and Drug Administration

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

27001-27050

FOODS

The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were adulterated or misbranded within the meaning of the Act when introduced into and while in interstate commerce, when shipped to a holder of a guaranty, or while held for sale after shipment in interstate commerce. These cases involve (1) seizure proceedings in which decrees of condemnation were entered by default, or by consent; (2) criminal proceedings which were terminated upon pleas of guilty or nolo contendere; and (3) an injunction proceeding involving the entry of a preliminary injunction by consent and terminated by dismissal after a finding that the defendant corporation had discontinued its business. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal and injunction proceedings are against the *firms* or *individuals* charged to be responsible for violations.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D.C., May 25, 1961.

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*SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS
REPORTED IN F.N.J. NOS. 27001-27050*

Adulteration, Section 402(a) (1), the article contained a poisonous or deleterious substance in a quantity which would ordinarily render the food injurious to health; Section 402(a) (3), the article consisted in part of a filthy or decomposed substance, or it was otherwise unfit for food; Section 402(a) (4), the article had been prepared, packed, or held under insanitary conditions whereby it may have been contaminated with filth or rendered injurious to health; Section 402(b) (1), a valuable constituent had been in whole or in part omitted or abstracted from the article; Section 402(b) (2), a substance had been substituted in whole or in part for the article.

Misbranding, Section 403(a), the labeling of the article was false and misleading; Section 403(b), the article was offered for sale under the name of another food; Section 403(h) (1), the article purported to be and was represented as a food for which a standard of quality had been prescribed by regulations, and it fell below such standard and its label failed to bear a statement that it fell below such standard; and Section 403(j), the article purported to be and was represented for special dietary uses, and its label failed to bear such information concerning its vitamin, mineral, and other dietary properties as the Secretary has determined to be, and by regulations prescribed as, necessary in order fully to inform purchasers as to its value for such uses.

BEVERAGES AND BEVERAGE MATERIALS

27001. Green coffee beans. (F.D.C. No. 44922. S. No. 33-768 R.)

QUANTITY: 17 125-lb. bags at New York, N.Y.

SHIPPED: During July, August, and September 1960, from Venezuela.

LIBELED: On or about 10-11-60, S. Dist. N.Y.

CHARGE: 402(a) (3)—contained dirty coffee beans, water-damaged coffee beans, feathers, glass particles, rock particles, and other miscellaneous dirt while held for sale.

DISPOSITION: 11-3-60. Default—destruction.

27002. Green coffee beans. (F.D.C. No. 45015. S. No. 36-041 R.)

QUANTITY: 3 sacks, containing a total of 450 lbs., at Brooklyn, N.Y.

SHIPPED: 3-30-60, from Puerto Rico.

RESULTS OF INVESTIGATION: Inspection showed that the article had been submerged in polluted river water. The contamination occurred as a result of a storm on 9-13-60, which flooded the pier at Brooklyn, N.Y., where the article was stored.

LIBELED: 11-30-60, E. Dist. N.Y.

CHARGE: 402(a) (4)—held under insanitary conditions while in interstate commerce.

DISPOSITION: 1-25-61. Default—destruction.

27003. Green coffee beans. (F.D.C. No. 44809. S. No. 41-283 R.)

QUANTITY: 25 bags, containing from 100 to 142 lbs., at San Francisco, Calif.

SHIPPED: From outside the United States.

LIBELED: 10-4-60, N. Dist. Calif.

CHARGE: 402(a)(3)—contained coffee beans contaminated with imbedded black dirt, oil, insects and insect fragments, fragments of tobacco and cigarette paper, stone fragments, metal fragments, and miscellaneous dirt, while held for sale.

DISPOSITION: 1-27-61. Default—destruction.

27004. Vodka. (F.D.C. No. 44974. S. No. 33-234 R.)

QUANTITY: 15 ctns., containing a total of 735 lbs., at Brooklyn, N.Y.

SHIPPED: The article was delivered, on 9-9-60, to a ship pier at Brooklyn, N.Y., for shipment to Iceland.

RESULTS OF INVESTIGATION: Inspection showed that the article had been submerged in polluted river water. The contamination occurred as a result of a storm on 9-13-60, which flooded the pier at Brooklyn, N.Y., where the article was stored.

LIBELED: 10-13-60, E. Dist. N.Y.

CHARGE: 402(a)(4)—held under insanitary conditions while in interstate commerce.

DISPOSITION: 2-7-61. Default—destruction.

27005. Whiskey. (F.D.C. No. 44992. S. No. 35-992 R.)

QUANTITY: 19 ctns., containing approximately 617 lbs., at Brooklyn, N.Y.

SHIPPED: The article was delivered, on 9-6-60, to a ship pier at Brooklyn, N.Y., for shipment to Iceland.

RESULTS OF INVESTIGATION: Inspection showed that the article had been submerged in polluted river water. The contamination occurred as a result of a storm on 9-13-60, which flooded the pier at Brooklyn, N.Y., where the article was stored.

LIBELED: 10-13-60, E. Dist. N.Y.

CHARGE: 402(a)(4)—held under insanitary conditions while in interstate commerce.

DISPOSITION: 1-18-61. Default—destruction.

CEREALS AND CEREAL PRODUCTS

CORNMEAL

27006. Cornmeal (2 seizure actions). (F.D.C. Nos. 44977, 44979. S. Nos. 33-542 R, 33-546 R.)

QUANTITY: 127 bags, containing a total of 12,700 lbs., at Brooklyn, N.Y.

SHIPPED: The article was delivered, on 8-29-60, to a ship pier at Brooklyn, N.Y., for shipment to Iceland.

RESULTS OF INVESTIGATION: Inspection showed that the article had been submerged in polluted river water. The contamination occurred as a result of a storm on 9-13-60, which flooded the pier at Brooklyn, N.Y., where the article was stored.

LIBELED: 10-13-60, E. Dist. N.Y.

CHARGE: 402(a)(4)—held under insanitary conditions while in interstate commerce.

DISPOSITION: 2-7-61. Default—destruction.

27007. Cornmeal. (F.D.C. No. 44919. S. No. 8-161 R.)

QUANTITY: 48 100-lb. bags at Portland, Maine.

SHIPPED: 8-10-60, from Lemoyne, Pa.

LIBELED: 10-10-60, Dist. Maine.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 10-24-60. Default—delivered to a public institution for use as animal feed.

27008. Cornmeal (4 seizure actions). (F.D.C. Nos. 44980, 44981, 44987, 44988. S. Nos. 33-547 R, 33-549 R, 36-122/3 R.)

QUANTITY: 267 bags, containing a total of 26,845 lbs., at Brooklyn, N.Y.

SHIPPED: The article was delivered, on 8-29-60, to a ship pier at Brooklyn, N.Y., for shipment to Iceland.

RESULTS OF INVESTIGATION: Inspection showed that the article had been submerged in polluted river water. The contamination occurred as a result of a storm on 9-13-60, which flooded the pier at Brooklyn, N.Y., where the article was stored.

LIBELED: 10-13-60, E. Dist. N.Y.

CHARGE: 402(a)(4)—held under insanitary conditions while in interstate commerce.

DISPOSITION: 1-18-61. Default—destruction.

FLOUR*

27009. Flour. (F.D.C. No. 44920. S. Nos. 39-801/3 R.)

QUANTITY: 305 25-lb. bags and 47 50-lb. bags at McGehee, Ark., in possession of Desha Grocery Co.

SHIPPED: Between 11-17-59 and 7-8-60, from El Reno, Okla., and Greenville, Tex.

LIBELED: 9-30-60, E. Dist. Ark.

CHARGE: 402(a)(3)—contained insects; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 10-28-60. Default—delivered to a public institution for use as animal feed.

27010. Flour. (F.D.C. No. 45067. S. No. 46-193 R.)

QUANTITY: 32 50-lb. bags at Newnan, Ga., in possession of H. V. Kell Co.

SHIPPED: 8-17-60, from Cleveland, Tenn.

LIBELED: 10-26-60, N. Dist. Ga.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 12-13-60. Default—delivered to a Federal agency for use as fish food.

27011. Flour and unpopped popcorn. (F.D.C. No. 45066. S. Nos. 15-211/5 R, 16-878 R.)

QUANTITY: 147 bales, 10 5-lb. bags each, 47 bales, 5 10-lb. bags each, and 49 bales, 12 2-lb. bags each, of flour; and 26 cases, 24 1-lb. bags each, of unpopped popcorn, at Cincinnati, Ohio, in possession of Henry Helmers Grocery Co.

*See also No. 27015.

SHIPPED: Between February 1960 and 8-3-60, from Chicago and Ridgway, Ill., Kansas City, Mo., and New Prague, Minn.

LIBELED: 10-28-60, S. Dist. Ohio.

CHARGE: 402(a)(3)—contained insects; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 12-12-60. Default—delivered to a public institution for use as animal feed.

27012. Flour (3 seizure actions). (F.D.C. Nos. 44972, 44975, 44976. S. Nos. 33-229 R, 33-238/9 R.)

QUANTITY: 162 bags containing a total of 10,980 lbs., 130 10-lb. bags, and 112 5-lb. bags, at Brooklyn, N.Y.

SHIPPED: The article was delivered, between 8-30-60 and 9-6-60, to a ship pier at Brooklyn, N.Y., for shipment to Iceland.

RESULTS OF INVESTIGATION: Inspection showed that the article had been submerged in polluted river water. The contamination occurred as a result of a storm on 9-13-60, which flooded the pier at Brooklyn, N.Y., where the article was stored.

LIBELED: 10-13-60, E. Dist. N.Y.

CHARGE: 402(a)(4)—held under insanitary conditions while in interstate commerce.

DISPOSITION: 2-7-61. Default—destruction.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS*

27013. Cereals. (F.D.C. No. 44986. S. No. 35-997 R.)

QUANTITY: 178 pkgs., containing a total of 1,209 lbs., at Brooklyn, N.Y.

SHIPPED: The article was delivered, on 9-6-60, to a ship pier at Brooklyn, N.Y., for shipment to Iceland.

RESULTS OF INVESTIGATION: Inspection showed that the article had been submerged in polluted river water. The contamination occurred as a result of a storm on 9-13-60, which flooded the pier at Brooklyn, N.Y., where the article was stored.

LIBELED: 10-13-60, E. Dist. N.Y.

CHARGE: 402(a)(4)—held under insanitary conditions while in interstate commerce.

DISPOSITION: 1-18-61. Default—destruction.

27014. Rice. (F.D.C. No. 45068. S. Nos. 2-255/6 R.)

QUANTITY: 250 25-lb. bags and 18 100-lb. bags at Charlotte, N.C., in possession of Thomas & Howard Co.

SHIPPED: 4-14-60 and 8-24-60, from Stuttgart, Ark.

LIBELED: 11-1-60, W. Dist. N.C.

CHARGE: 402(a)(3)—contained insects; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 12-14-60. Consent—claimed by Thomas & Howard Co. Segregated; 10,425 lbs. destroyed.

*See also No. 27008.

27015. Rice and flour. (F.D.C. No. 44815. S. Nos. 5-150/1 R.)

QUANTITY: 101 cases, 24 2-lb. boxes each, of rice, and 50 bales, 5 10-lb. bags each, of flour, at Lynchburg, Va.

SHIPPED: Between 4-5-60 and 6-16-60, from Memphis, Tenn., and Huntington, W. Va.

LIBELED: 10-12-60, W. Dist. Va.

CHARGE: 402(a) (3)—contained insects while held for sale.

DISPOSITION: 12-2-60. The River Brand Rice Mills, Inc., New York, N.Y., having appeared as claimant for the rice and no claimant having appeared for the flour, judgment of condemnation was entered. The rice was reconditioned; the flour was delivered to a public institution for use as animal feed.

27016. Rice. (F.D.C. No. 44908. S. No. 35-963 R.)

QUANTITY: 135 cases, 24 1-lb. pkgs. each, at New York, N.Y.

SHIPPED: 4-29-59, from Genoa, Italy.

LIBELED: 9-29-60, S. Dist. N.Y.

CHARGE: 402(a) (3)—contained insects and insect larvae while held for sale.

DISPOSITION: 2-1-61. Default—destruction.

27017. Rice. (F.D.C. No. 44916. S. Nos. 22-018/9 R.)

QUANTITY: 22 25-lb. bags at Saginaw, Mich.

SHIPPED: 10-29-59 and 12-29-59, from Stuttgart, Ark.

LIBELED: 9-26-60, E. Dist. Mich.

CHARGE: 402(a) (3)—contained insects while held for sale.

DISPOSITION: 11-25-60. Default—denatured and used in feeding wild ducks.

27018. Rice. (F.D.C. No. 44978. S. No. 33-543 R.)

QUANTITY: 108 ctns., containing a total of 5,400 lbs., at Brooklyn, N.Y.

SHIPPED: The article was delivered, on 9-2-60, to a ship pier at Brooklyn, N.Y., for shipment to Iceland.

RESULTS OF INVESTIGATION: Inspection showed that the article had been submerged in polluted river water. The contamination occurred as a result of a storm on 9-13-60, which flooded the pier at Brooklyn, N.Y., where the article was stored.

LIBELED: 10-13-60, E. Dist. N.Y.

CHARGE: 402(a) (4)—held under insanitary conditions while in interstate commerce.

DISPOSITION: 2-7-61. Default—destruction.

EGGS

27019. Frozen eggs. (F.D.C. No. 43920. S. No. 90-242 P.)

QUANTITY: 450 30-lb. cans at Springfield, Mass.

SHIPPED: The article was shipped between 6-1-59 and 11-16-59, in the form of shell eggs from various producers at Somers and Billington, Conn., Chesterfield, N.H., and Springfield and other places in Massachusetts to the Barez Egg Center at Springfield, Mass., where the article was packed in the form of frozen eggs.

RESULTS OF INVESTIGATION : Investigation revealed that 38 percent of the shell eggs used in packing the frozen eggs were shipped in interstate commerce.

LIBELED : 11-20-59, Dist. Mass.

CHARGE : 402(a) (3)—contained decomposed eggs while held for sale.

DISPOSITION : 1-14-60. Consent—claimed by Barez Egg Center. Segregated; 380 cans destroyed.

27020. Frozen eggs (3 seizure actions). (F.D.C. Nos. 44778, 44810, 44890. S. Nos. 2-126 R, 20-438/9 R, 21-687 R, 21-700/1 R.)

QUANTITY : 5,000 30-lb. cans at Detroit, Mich., and 40 30-lb. cans at Tampa, Fla.

SHIPPED : Between 6-7-60 and 6-14-60, from McKenzie, Tenn., to Detroit, Mich.; and on 7-29-60, from Detroit, Mich., to Tampa, Fla., by Frigid Food Products, Inc.

LABEL IN PART : (Tag) "Frigid Food Products, Inc. Detroit, Mich * * * Frigidegs Frozen Egg Products, Whole Eggs, Sugar Added"; "Distributed by Frigid Food Products Inc., Detroit, Mich. Frozen Egg Products Whole Eggs Sugar Added."

LIBELED : 8-22-60, 9-16-60, and 10-6-60, E. Dist. Mich., and S. Dist. Fla.

CHARGE : 402(a) (3)—contained decomposed eggs when shipped.

DISPOSITION : 9-1-60, 10-3-60, and 10-17-60. Consent—claimed by Frigid Food Products, Inc. Segregated; 3,428 30-lb. cans denatured.

27021. Frozen eggs. (F.D.C. No. 44805. S. No. 39-722 R.)

QUANTITY : 1,000 30-lb. cans at McKenzie, Tenn.

SHIPPED : The article was shipped in the form of shell eggs between 4-29-60 and 5-3-60, from Missouri, Mississippi, and Alabama.

LIBELED : 9-28-60, W. Dist. Tenn.

CHARGE : 402(a) (3)—contained decomposed eggs while held for sale.

DISPOSITION : 10-27-60. Consent—claimed by Frigid Food Products, Inc., McKenzie, Tenn. Segregated; 698 cans denatured.

27022. Frozen eggs. (F.D.C. No. 44917. S. No. 2-313/6 R.)

QUANTITY : 280 30-lb. cans at Jacksonville, Fla.

SHIPPED : 8-30-60, from Donalsonville, Ga., by Dixie Egg Co.

LABEL IN PART : (Can) "Whole Eggs" and "Whole Eggs * * * Packed by Dixie Egg Co. Donalsonville, Ga."

LIBELED : 9-27-60, S. Dist. Fla.

CHARGE : 402(a) (3)—contained decomposed eggs when shipped.

DISPOSITION : 11-7-60. Default—destruction.

27023. Frozen eggs. (F.D.C. No. 43956. S. No. 85-606 P.)

QUANTITY : 400 30-lb. cans at Brooklyn, N.Y.

SHIPPED : 7-6-59, from Zanesville, Ohio, by Ballas Egg Products Co., Inc.

LABEL IN PART : "Whole Egg * * * Distributed by Manhattan Egg Co., Inc., New York, N.Y."

LIBELED : 12-18-59, E. Dist. N.Y.

CHARGE : 402(a) (3)—contained decomposed eggs when shipped.

DISPOSITION: 1-25-61. Consent—claimed by Brown Produce Co., Inc., Farina, Ill., and denatured.

FRUITS AND VEGETABLES

DRIED FRUIT

27024. Dried prunes. (F.D.C. No. 44982. S. No. 35-981 R.)

QUANTITY: 105 ctns., containing a total of 2,000 lbs., at Brooklyn, N.Y.

SHIPPED: The article was delivered on 8-18-60, to a ship pier at Brooklyn, N.Y., for shipment to Iceland.

RESULTS OF INVESTIGATION: Inspection showed that the article had been submerged in polluted river water. The contamination occurred as a result of a storm on 9-13-60, which flooded the pier at Brooklyn, N.Y., where the article was stored.

LIBELED: 10-13-60, E. Dist. N.Y.

CHARGE: 402(a)(4)—held under insanitary conditions while in interstate commerce.

DISPOSITION: 1-18-61. Default—destruction.

27025. Seedless raisins. (F.D.C. No. 44991. S. No. 35-993 R.)

QUANTITY: 963 ctns., containing a total of 13,482 lbs., at Brooklyn, N.Y.

SHIPPED: The article was delivered, on 9-7-60, to a ship pier at Brooklyn, N.Y., for shipment to Iceland.

RESULTS OF INVESTIGATION: Inspection showed that the article had been submerged in polluted river water. The contamination occurred as a result of a storm on 9-13-60, which flooded the pier at Brooklyn, N.Y., where the article was stored.

LIBELED: 10-13-60, E. Dist. N.Y.

CHARGE: 402(a)(4)—held under insanitary conditions while in interstate commerce.

DISPOSITION: 1-18-61. Default—destruction.

27026. Seedless raisins. (F.D.C. No. 45048. S. No. 57-345 R.)

QUANTITY: 34 30-lb. cases at Claxton, Ga.

SHIPPED: 7-7-60, from Fresno, Calif.

LIBELED: 10-18-60, S. Dist. Ga.

CHARGE: 402(a)(3)—contained insects, insect larvae, and insect excreta while held for sale.

DISPOSITION: 11-7-60. Default—delivered to a charitable institution for use as animal feed.

FROZEN FRUIT

27027. Frozen cherries. (F.D.C. No. 45003. S. No. 4-932 R.)

QUANTITY: 50 30-lb cans at Baltimore, Md.

SHIPPED: 8-3-60 and 9-12-60, from Lebanon, Pa., by Consumers Ice & Supply Co.

LABEL IN PART: (Can) "RSP CHERRIES 5 PLUS 1."

RESULTS OF INVESTIGATION: Examination showed that the article contained unpitted cherries, averaging 4.5 pits per 20 ounces of cherries.

LIBELED: 10-10-60, Dist. Md.

CHARGE: 402(b) (2)—when shipped, unpitted cherries had been substituted for pitted cherries; and 403(b)—the article was offered for sale under the name of another food, namely, "RSP Cherries," which is a name for red sour pitted cherries.

DISPOSITION: 11-1-60. Default—destruction.

27028. Frozen strawberries. (F.D.C. No. 45112. S. No. 32-546 R.)

QUANTITY: 175 30-lb. cans at Brooklyn, N.Y.

SHIPPED: 10-17-60, from Vineland, N.J.

LIBELED: 12-5-60, E. Dist. N.Y.

CHARGE: 402(a) (3)—contained mashed and dirty berries, wood splinters, cork, grass, leaves, and miscellaneous dirt while held for sale.

DISPOSITION: 2-9-61. Default—destruction.

VEGETABLES AND VEGETABLE PRODUCTS

27029. Canned cut green beans. (F.D.C. No. 44750. S. No. 3-644 R.)

QUANTITY: 189 cases, 24 15½-oz. cans each, at Norfolk, Va.

SHIPPED: 6-25-60, from Williamston, N.C., by Martindale Foods, Inc.

LABEL IN PART: (Can) "Martindale Brand Cut Green Beans * * * Packed by Martindale Foods, Inc., Williamston, N.C. Weldon, N.C."

LIBELED: 8-3-60, E. Dist. Va.

CHARGE: 403(h) (1)—when shipped, the quality of the article fell below the standard of quality for canned cut green beans since the deseeded pods contained more than 0.15 percent by weight of fibrous material, and the label of the article failed to bear a statement that it fell below such standard.

DISPOSITION: 9-15-60 and 2-10-61. Consent—claimed by Martindale Foods, Inc., and delivered to a charitable institution.

27030. Dried lima beans. (F.D.C. No. 45113. S. No. 46-279 R.)

QUANTITY: 24 1-lb. bags at Savannah, Ga.

SHIPPED: 3-7-60, from Oxnard, Calif.

LIBELED: 12-7-60, S. Dist. Ga.

CHARGE: 402(a) (3)—contained insects and insect fragments while held for sale.

DISPOSITION: 1-10-61. Default—delivered to a charitable institution for use as animal feed.

27031. Soybeans (16 seizure actions). (F.D.C. Nos. 45119, 45125, 45273, 45279, 45291, 45292, 45294, 45295, 45296, 45298, 45299, 45306, 45313, 45314, 45315, 45337. S. Nos. 3-330 R, 3-651/7 R, 4-568/70 R, 4-859/60 R, 5-411/3 R, 5-436 R, 5-456 R, 5-601/8 R, 5-873/4 R, 6-084 R, 6-161 R, 64-982/9 R.)

QUANTITY: 562,800 lbs. at Norfolk, Va., and 3,216,880 lbs. at Portsmouth, Va.

SHIPPED: Between 11-14-60 and 11-23-60, from Raleigh and Maxton, N.C., by Ralston Purina Co.; between 11-15-60 and 11-28-60, from Maxton, N.C., by Maxton Oil & Fertilizer Co.; between 11-14-60 and 11-21-60, from St. Paul and Hope Mills, N.C., by Parnell & McColl, Inc.; between 11-11-60 and 11-18-60, from Ehrhardt, S.C., by G. D. Varn; 11-14-60 and 11-18-60, from Dillon, S.C., by Bethea Coal & Distributing Co.; 11-14-60 and 11-15-60, from Denmark, S.C., by J. W. Williamson, Jr.; 11-16-60, from Holly Hill, S.C., by Harvey & Rhame Co.; between 11-17-60 and 12-9-60, from Sumter, S.C., by Sumter Grain Co., Inc.; 12-2-60, from Sumter, S.C., by F. C. X. Wholesale Co.; and 11-17-60, from Laurel Hill, N.C., by Z. V. Pate, Inc.

LIBELED: On various dates between 11-29-60 and 1-9-61, E. Dist. Va.

CHARGE: 402(a)(1)—when shipped, the article contained poisonous or deleterious substance, Crotalaria seeds, in a quantity which ordinarily would render the article injurious to health.

DISPOSITION: 1-16-61. Consent—claimed by the shippers of the article and reconditioned to remove the Crotalaria seeds.

NUTS AND NUT PRODUCTS

27032. Unshelled filberts. (F.D.C. No. 45103. S. No. 58-623 R.)

QUANTITY: 200 100-lb. bags at Chicago, Ill.

SHIPPED: 10-31-60, from Portland, Oreg., by Hudson House, Inc.

LABEL IN PART: (Bag) "Pride of Oregon Brand Barcelona Large."

LIBELED: 11-18-60, N. Dist. Ill.

CHARGE: 402(a)(3)—contained insect-infested nuts, shriveled nuts, and empty shells when shipped.

DISPOSITION: 1-9-61. Consent—claimed by Hudson House, Inc. Segregated; 371 lbs. destroyed.

27033. Unshelled peanuts. (F.D.C. No. 45073. S. No. 11-748 R.)

QUANTITY: 80 90-lb. bags at Chicago, Ill.

SHIPPED: 7-15-60, from Franklin, Va.

LIBELED: 11-1-60, N. Dist. Ill.

CHARGE: 402(a)(3)—contained insects and moldy, decomposed nuts while held for sale.

DISPOSITION: 11-30-60. Default—destruction.

27034. Shelled walnuts. (F.D.C. No. 44897. S. No. 44-030 R.)

QUANTITY: 202 16-oz. bags, 712 11-oz. bags, 983 7-oz. bags, and 1,288 4-oz. bags, at Seattle, Wash.

SHIPPED: Between 12-1-59 and 1-13-60, from Modesto, Calif.

LIBELED: 9-19-60, W. Dist. Wash.

CHARGE: 402(a)(3)—contained insects and insect-damaged walnuts while held for sale.

DISPOSITION: 9-30-60. Consent—claimed by Foodland, Inc., Seattle, Wash. Segregation was unsuccessful and the nuts were destroyed.

27035. Coconuts. (F.D.C. No. 45009. S. No. 33-554 R.)

QUANTITY: 40 sacks at Brooklyn, N.Y.

SHIPPED: 9-2-60, from San Juan, P.R.

RESULTS OF INVESTIGATION: Inspection showed that the article had been submerged in polluted river water. The contamination occurred as a result of a storm on 9-13-60, which flooded the pier at Brooklyn, N.Y., where the article was stored.

LIBELED: 11-1-60, E. Dist. N.Y.

CHARGE: 402(a)(4)—held under insanitary conditions while in interstate commerce.

DISPOSITION: 12-20-60. Default—destruction.

27036. Coconuts. (F.D.C. No. 45011. S. No. 33-553 R.)

QUANTITY: 59 sacks at Brooklyn, N.Y.

SHIPPED: 8-26-60, from San Juan, P.R.

RESULTS OF INVESTIGATION: Inspection showed that the article had been submerged in polluted river water. The contamination occurred as a result of a storm on 9-13-60, which flooded the pier at Brooklyn, N.Y., where the article was stored.

LIBELED: 10-31-60, E. Dist. N.Y.

CHARGE: 402(a)(4)—held under insanitary conditions while in interstate commerce.

DISPOSITION: 12-20-60. Default—destruction.

27037. Coconuts. (F.D.C. No. 45013. S. No. 33-559 R.)

QUANTITY: 18 sacks at Brooklyn, N.Y.

SHIPPED: 9-1-60, from San Juan, P.R.

RESULTS OF INVESTIGATION: Inspection showed that the article had been submerged in polluted river water. The contamination occurred as a result of a storm on 9-13-60, which flooded the pier at Brooklyn, N.Y., where the article was stored.

LIBELED: 11-1-60, E. Dist. N.Y.

CHARGE: 402(a)(4)—held under insanitary conditions while in interstate commerce.

DISPOSITION: 12-20-60. Default—destruction.

27038. Coconuts. (F.D.C. No. 45012. S. No. 33-551 R.)

QUANTITY: 17 sacks at Brooklyn, N.Y.

SHIPPED: 9-2-60, from Aguadilla, P.R.

RESULTS OF INVESTIGATION: Inspection showed that the article had been submerged in polluted river water. The contamination occurred as a result of a storm on 9-13-60, which flooded the pier at Brooklyn, N.Y., where the article was stored.

LIBELED: 11-1-60, E. Dist. N.Y.

CHARGE: 402(a)(4)—held under insanitary conditions while in interstate commerce.

DISPOSITION: 12-20-60. Default—destruction.

POULTRY

27039. Dressed poultry. (Inj. No. 304.)

COMPLAINT FOR INJUNCTION FILED: 12-21-56, W. Dist. N.C., against the Hanline Poultry Co., a corporation, Charlotte, N.C., and William C. Hanline, president and treasurer of the corporation.

CHARGE: The complaint alleged that the defendants were engaged in preparing and distributing dressed, eviscerated poultry and had been and were causing to be introduced and delivered for introduction into interstate commerce such poultry which was adulterated within the meaning of 402(a) (3) and (4) by reason of the presence in the poultry of fecal material, crop material, intestines, sex organs, gall bladders, and other inedible viscera, and by reason of the preparation, packing and holding of the poultry at defendants' plant under insanitary conditions.

It was alleged further that the insanitary conditions resulted from and consisted of the presence of fecal matter, feathers, intestines and other offal, and other miscellaneous dirt and debris on the floors in and around the equipment used in the preparing, packing, and storing of poultry; the method of making the abdominal cut which severs several loops of the intestines causing fecal material to be spread over the inside of the body cavity; the use of dirty ice in packing the finished product, storing knives and steel sharpener in the offal trough under the line where the opening cut is made on the birds; placing birds which had fallen on the floor on the line or into chill tanks without washing them; and other similar insanitary practices on the part of the defendants and their employees whereby the poultry prepared, packed, and held in the plant was subjected to contamination.

The complaint alleged further that the defendants were well aware that their activities were in violation of the law; that various inspections had been made of the defendants' plant by the Food and Drug Administration; that notice of hearing pursuant to Section 305 had been issued to the defendants; and that despite such warnings, the defendants failed to correct the insanitary conditions in the plant and continued to introduce into interstate commerce poultry which was adulterated as described above.

DISPOSITION: On 1-7-57, the defendants having consented to the entry of a decree without admitting any violations of the Act, the court entered a decree of preliminary injunction which enjoined and restrained the defendants, pending a final hearing on the matter, from introducing or causing to be introduced into interstate commerce dressed eviscerated poultry or any other such article of food which was so contaminated or packed as to render such food adulterated within the meaning of 402(a) (3) and (4).

On 11-13-58, the court having found that the defendant corporation had discontinued its poultry processing business as of 10-23-58, and had issued a notice to creditors to consider liquidation of the firm's assets, an order was entered to vacate the preliminary injunction and dismiss the action.

27040. Dressed poultry. (F.D.C. No. 39847. S. Nos. 62-613 M, 69-393 M.)

INFORMATION FILED: 11-13-58, W. Dist. N.C., against the Hanline Poultry Co., a corporation, Charlotte, N.C.

SHIPPED: 6-26-57 and 7-30-57, from North Carolina to New York and Pennsylvania.

CHARGE: 402(a)(3)—contained crop material and fecal matter; and 402(a)(4)—prepared and packed under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 11-13-58. \$500 fine.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

27041. Abundavita vitamin tablets, Abundavita mineral tablets, and Abundagreen. (F.D.C. No. 44197. S. Nos. 50-087/8 P, 50-622 P, 71-058/9 P.)

QUANTITY: 14 cases, each containing 12 btls., of Abundavita mineral tablets, 6 cases, each containing 24 1-lb. bags of Abundagreen; and 104 btls. of Abundavita vitamin tablets at Cincinnati, Ohio, in possession of Bruce Helvie.

SHIPPED: On various dates during the latter part of 1959 and in January 1960, from Long Beach, Calif., by Abundavita Corp. of America.

LABEL IN PART: (Btl.) "Abundavita Food Supplement Mineral Tablets Natural or Organic * * * In an exclusive *Hunza Base (*Specially Prepared Selected Grasses Grown on the Hunza Farm in Natural Occurring Glacial Silt) * * * Formulated for and Distributed by Abundavita Corporation of America * * * Long Beach, California"; (bag) "All Purpose Abundagreen Natural Organic From Specially Prepared Selected Grasses Grown on the Hunza Farm in Natural Occurring Glacial Silt * * * Abundavita Corporation of America * * * Long Beach 5, Calif." and (btl.) "Abundavita Food Supplement Vitamin Tablets * * * Two tablets daily will supply * * * In an exclusive *Hunza Base (*Specially Prepared Selected Grasses Grown on the Hunza Farm in Natural Occurring Glacial Silt) * * * Abundavita Corporation of America * * * Long Beach 5, Calif."

ACCOMPANYING LABELING: Booklet entitled "A New Way of Life For You and Your Family"; leaflets entitled "A New Way of Life," "The Hunza Farm," "Abundavita Food Supplement" and "Abundavita Beverage"; window sign entitled "Don't Grow Old Too Young! Eat Hunza Grass and Abundavita"; and placards entitled "How Do You Feel . ." and "Most Economical * * * Abundavita and Hunza."

RESULTS OF INVESTIGATION: The window sign and the placards were prepared locally by or on behalf of the dealer and the booklet and leaflets were received by the dealer from or on behalf of the Abundavita Corp. of America.

CHARGE: 403(a)—when shipped and while held for sale, the labeling of the articles contained false and misleading representations that the food supplies generally available are nutritionally deficient and inferior and that they lack sufficient amounts of the vitamins and minerals contained in the articles, and that the articles would supply significant quantities of vitamins, minerals, and proteins to the diet in view of their content of "Hunza" grass; and

403(j)—the articles purported to be and were represented as foods for special dietary uses by reason of their vitamin or mineral content and by reason of the vitamin, mineral, and protein content of the "Hunza" grass contained in the articles, and their labels failed to bear, as required by the regulations (mineral tablets and Abundagreen), a statement of the minimum daily requirements of vitamin A, vitamin B₁, vitamin C, vitamin D, riboflavin, or niacin or niacinamide supplied by such foods when consumed in a specified quantity during a period of one day, and (Abundagreen and vitamin tablets) a

statement of the proportion of the minimum daily requirements for calcium, phosphorus, iron, or iodine, supplied by such foods when consumed in a specified quantity during a period of one day, and (all lots) a statement of the percent by weight of protein, fat, and available carbohydrates in such foods and the number of available calories supplied by a specified quantity of such foods.

The libel alleged also that the articles were misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 6217.

DISPOSITION: 5-25-60. Consent—claimed by Bruce Helvie, and ordered released under bond for relabeling.

27042. Food supplement tablets. (F.D.C. No. 43708. S. No. 13-704 P.)

INFORMATION FILED: 4-11-60, S. Dist. Calif., against Joseph L. Jones, t/a J. L. Jones & Co., Sun Valley, Calif.

ALLEGED VIOLATION: On 5-25-51, the defendant gave to a firm engaged in the business of shipping foods in interstate commerce, including foods supplied by the defendant, a guaranty to the effect that foods delivered by the defendant would not be adulterated within the meaning of the Federal Food, Drug, and Cosmetic Act.

On 10-24-58, the defendant caused to be invoiced and delivered to the holder of the guaranty at Glendale, Calif., a quantity of food supplement tablets which were adulterated.

RESULTS OF INVESTIGATION: The defendant delivered the article in purported fulfillment of a purchase order issued by the holder of the guaranty which order provided that each tablet should contain, among other things, 0.5 mcg. plus 10 percent vitamin B₁₂, 15 mg. plus 20 percent of vitamin C (Ascorbic Acid), 200 U.S.P. Units plus 40 percent of vitamin D, and 0.025 mg. plus 25 percent of iodine. Analysis showed that the article contained 50 percent of the vitamin B₁₂; 76 percent of the vitamin C; 40 percent of the vitamin D; and no iodine.

CHARGE: 402(b)(1)—valuable constituents, namely, vitamin B₁₂, vitamin C, vitamin D, and iodine, had been in part omitted from the article.

The information alleged also that two other articles, namely, thyroid-digitalis tablets and thyroid tablets, were adulterated under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 6209.

PLEA: Nolo contendere.

DISPOSITION: 6-13-60. \$750 fine.

27043. LifAnu Food Supplement. (F.D.C. No. 44375. S. Nos. 74-216/9 P, 92-881 P.)

QUANTITY: 225 180-tablet btls., 225 360-tablet btls., and 14 display-type ctns., each containing 288 individually ctnd. 30-tablet btls., and 6 25,000-tablet drums, at Fort Worth, Tex., in possession of Lifanu Corp. of America.

SHIPPED: 11-6-58 and 3-2-59, from Long Island City, N.Y.

LABEL IN PART: (Btl.) "LifAnu Food Supplement * * * Containing fortified organic and natural Vitamins For use as a dietary supplement * * * Manufactured for and Distributed by Lifanu Corporation of America, 2613 Boston (4001 E. Lancaster) Fort Worth, Texas 38588"; (btl. in display-type ctn.)

"LifAnu Food Supplement 30 Tablets * * * For Better Nutritional Health—Multiple Vitamins & Minerals For Everybody 1-A-Day Type Containing Organic and Natural Vitamins and Minerals Each tablet contains: * * * Lifanu Corporation of America * * * Fort Worth, Texas."

ACCOMPANYING LABELING: Sales manuals entitled "Handbook and Sales Manual"; leaflets entitled "Here's Great News for the whole family," and "Think before you decide"; and pamphlets entitled "The Lifanu idea."

RESULTS OF INVESTIGATION: The labels for the article in the 180-tablet and 360-tablet btls. were supplied to the manufacturer by the dealer. The article in the display ctns. was repacked and labeled as described above by the dealer from the article in bulk drums shipped as described above.

LIBELED: 4-22-60, N. Dist. Tex.

CHARGE: 403(a)—when shipped and while held for sale, the accompanying labeling of the article contained false and misleading representations and suggestions that the food supplies generally available are nutritionally deficient and inferior and that they lack sufficient amounts of the minerals and vitamins contained in the articles; that the American public are the worst fed people on earth; that the article was a therapeutic food supplement not for medicinal use; and that the article contained fortified organic and natural vitamins and minerals, complete and perfectly balanced; and 403(j)—the labels of the portions of the article in the 180-tablet and 360-tablet btls. failed to bear such information concerning its vitamin and mineral properties, as prescribed by regulations, since the label of the article in the 180-tablet btls. failed to bear a statement of the minimum daily requirement for children for vitamins A, B₁, B₂, and C, supplied by such food when consumed in a specified quantity during a period of one day; and since the label of the article in the 360-tablet btls. failed to bear a statement of the minimum daily requirement for vitamin B₁ contained in the liver and yeast base of the article, and a statement of the minimum daily requirement for children for vitamin B₁ and iron, supplied by the article when consumed in a specified quantity during a period of one day.

The libel alleged also that the article and certain other articles were misbranded under the provisions of the law relating to drugs, as reported in notices of judgment on drugs and devices, No. 6333.

DISPOSITION: 7-6-60. Consent—claimed by Lifanu Corp. of America, Fort Worth, Tex., and relabeled.

27044. Victorvita Food Supplement. (F.D.C. No. 44555. S. No. 39-001 R.)

QUANTITY: 100 180-tablet boxes at St. Louis, Mo.

SHIPPED: 9-3-59, from Sepulveda, Calif., by Victor Vitamin Co.

LABEL IN PART: (Box) "Victorvita The Food Supplement for the feel of Youth Victor's Multi Vitamins and Minerals * * * composed largely from extracts and concentrates of organic substances, such as yeast, liver, alfalfa, buckwheat, parsley, watercress, oranges, lemons, bone meal, kelp, and many, many, others * * * further fortified with added amounts of the highest quality pure crystalline vitamins and various minerals so necessary to the human diet * * * This package contains 60 vitamin tablets and 120 mineral tablets. Packaged in 60 individual airtight packets. Each packet contains one vitamin (brown) and two mineral (red) tablets. Victor Vitamin Co., Palms Station Box 34804 Los Angeles 34, California."

ACCOMPANYING LABELING: White leaflets entitled "Have a Brighter Future . . . Victorvita The Food Supplement for the Feel of Youth"; pink leaflets entitled "Have a Brighter Future"; and a letter dated 7-20-59, from the Victor Vitamin Co., with a 13-page enclosure.

LIBELED: 5-3-60, E. Dist. Mo.

CHARGE: 403(a)—when shipped, the labeling contained false and misleading representations that all ingredients of the article were either vitamins or minerals which could be digested and absorbed to an amazing extent; that the article was a complete vitamin and mineral food supplement; that the need for vitamin E in human nutrition had not been established; and that the article would promote digestion of proteins and fats.

The article was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 6216.

DISPOSITION: 6-6-60. Default—destruction.

27045. Multiple-vitamin capsules. (F.D.C. No. 44414. S. No. 23-003 R.)

QUANTITY: 53 250-capsule and 21 100-capsule btls. at Kansas City, Mo.

SHIPPED: 1-11-60, from Allegan, Mich., by L. Perrigo Co.

LABEL IN PART: (Btl.) "Atkins Daily Ration Multiple Vitamins Each Capsule Supplies Full Daily Requirement of All Essential Vitamins * * * Frederick Atkins, Inc., New York—Distributors."

ACCOMPANYING LABELING: Booklets entitled "Which Vitamins For Whom When" and an advertising mat entitled "Health Vitamins Beauty."

RESULTS OF INVESTIGATION: The dealer had received the booklet and advertising mat from Frederick Atkins, Inc., through whom the article was purchased.

LIBELED: 4-5-60, W. Dist. Mo.

CHARGE: 403(j)—when shipped, the article purported to be and was represented as a food for special dietary uses by reason of its vitamin content and its label failed to bear, as required by regulations, a statement of the proportion of the minimum daily requirement for vitamins A, B₁, B₂, C, and niacinamide for children supplied by such food when consumed in a specified quantity during a period of one day.

The libel alleged also that the article and two other articles were misbranded under the provisions of the law relating to drugs, as reported in notices of judgment on drugs and devices, No. 6223.

DISPOSITION: 5-23-60. Default—the articles were delivered to a charitable institution and the advertising mats and booklets were delivered to the Food and Drug Administration.

27046. Protein wafers. (F.D.C. No. 44557. S. No. 29-202 R.)

QUANTITY: 98 btls., each containing 300 wafers, at Council Bluffs, Iowa, in possession of Dwarfies, Inc.

SHIPPED: 9-25-57, from Los Angeles, Calif.

LABEL IN PART: (Btl.) "Miss Physical Fitness' Dixie Q Balanced Hi Protein Wafers * * * Eat Like Candy! Lemon and Malt Flavors * * * Internationally Chosen 'Miss Physical Fitness' * * * Each 12 Wafers Contain: % Adult MDR Thiamine (vitamin B-1) 2.0 mgm. 200% Riboflavin (vitamin

B-2) 2.5 mgm. 208% Pyridoxine HCl (B-6) 1.0 mgm. * * * Vitamin B-12 (cobolamin conc.) 3.0 mcgm. * * * Niacinamide 10.0 mgm. 100% Calcium Pantothenate 2.0 mgm. * * * Vitamin E (dl-A-Tocopheryl acid succinate) 6.0 Int. Units * * * Need in human nutrition not established. * * * Packed by Vitamin Div. Dwarfies Corp. Council Bluffs, Iowa."

RESULTS OF INVESTIGATION: The article was shipped in bulk drums as described above and after its receipt at Council Bluffs, Iowa, was repacked by Dwarfies, Inc., into the bottles described above.

LIBELED: 5-5-60, S. Dist. Iowa.

CHARGE: 403(a)—while held for sale, the statement on the label of the article "Balanced Hi Protein Wafers" was false and misleading as applied to a product which was not a balanced dietary supplement and would not supply a significant amount of protein to the ordinary mixed diet, and the statement on the label of the article "Vitamin E * * * need in human nutrition has not been established" was false and misleading since the need for vitamin E in human nutrition has been established; and 403(j)—the article purported to be and was represented for special dietary uses by reason of its dietary properties and its label failed to bear, as required by regulations, a statement of the percent by weight of fat and available carbohydrates in such food, and the number of available calories supplied by a specified quantity of the article.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 6232.

DISPOSITION: 6-7-60. Default—destruction.

27047. Lecithin granules. (F.D.C. No. 44252. S. No. 53-491 P.)

QUANTITY: 2 200-lb. drums and 80 11-oz. ctns. at Los Angeles, Calif., in possession of Glo-Vita Corp.

SHIPPED: Between 9-29-59 and 12-10-59, from Chicago, Ill.

LABEL IN PART: (Ctn.) "Big 'B' Pure Lecithin Granules Big 'B' Pure Lecithin is a natural, pleasant tasting food product extracted from soybeans * * * Two tbsp. of Big 'B' Pure Lecithin supply over 500 mg. each of Choline and Inositol and 450 mg. Phosphorus, 60% of the minimum daily requirement. Also contains poly-unsaturated fats (linoleic and linolenic). * * * Big 'B' Health Foods, 6001 Whittier Blvd. Los Angeles 22, Cal. * * * The Billion Dollar Meal."

ACCOMPANYING LABELING: A number of loose carton labels.

RESULTS OF INVESTIGATION: The article was shipped in bulk drums as described above and after receipt by the dealer a portion of the article was repacked into the above-mentioned cartons. Analysis showed that the article contained approximately 80 percent of the declared amount of phosphorus.

LIBELED: 2-26-60, S. Dist. Calif.

CHARGE: 402(b) (1)—while held for sale, a valuable constituent, phosphorus, had been in whole or in part omitted or abstracted from the article; 403(a)—the carton label statement "Two tbsp. of Big 'B' Pure Lecithin supply * * * 450 mg. Phosphorus" was false and misleading as applied to the article which contained less than the declared amount of phosphorus; the label statements "Excellent Health Foods Supplement," "Another of the Famous Big 'B' Health Foods," "The Billion Dollar Meal," and the vignette depicting use of the article

as a meal, represented and suggested that the article would supply in significant amounts all nutrients necessary to develop and maintain health, which statements and vignette were false and misleading since the article would not supply in significant amounts all nutrients necessary to develop and maintain health; and 403(j)—the article purported to be and was represented as a food for special dietary use by reason of its vitamin and mineral content and its label failed to bear as required by regulations, the statement “the need for choline and inositol in human nutrition has not been established.”

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 6225.

DISPOSITION: 4-8-60. Consent—claimed by Bliss Vitamin Supply, Los Angeles, Calif., and relabeled.

27048. Various vitamin products. (F.D.C. No. 44380. S. Nos. 91-023/4 P, 91-026 P.)

QUANTITY: 57 50-tablet btls. of Poundron; 40 50-tablet btls. of Toddets; and 21 individually cartoned 4-oz. btls. of Lederplex Vitamin B Complex Liquid at Taunton, Mass.

SHIPPED: Prior to March 1957, from New York, N.Y., and Pearl River, N.Y.

LABEL IN PART: (Btl.) “Poundron * * * Contents: Each Tablet Contains: Whole Liver Desiccated 3 grs., Gerrous Sulfate Exsiccated 3 grs., Thiamine Hydrochloride 1.0 mg., Riboflavin 0.66 mg., Nicotinic Acid 10 mg., Vitamin B₁₂ .3 mcgs. including Aromatic Stomactic Constituents”; (btl.) “Toddets * * * Each tablet contains: Methyl Cellulose 250 mg., Thiamine Chloride 1 mg., Riboflavin 2 mg., Niacinamide 10 mg., Ascorbic Acid 10 mg., Choline Bitartrate 20 mg., Inositol 5 mg.”; (btl. & ctn.) “Lederplex Vitamin B Complex Liquid. Each teaspoonful (4 cc.) contains: Thiamine HCl (B₁) 2.0 mg. Riboflavin (B₂) 2.0 mg. Niacinamide 10.0 mg. Folic Acid 0.2 mg. Pyridoxine HCl (B₆) 0.2 mg. Pantothenic Acid 2.0 mg. Choline 20.0 mg. Inositol 10.0 mg. Soluble Liver Fraction 470 mg. Vitamin B₁₂ 5.0 micrograms (as present in concentrated extractives from streptomyces fermentation).”

RESULTS OF INVESTIGATION: Analysis showed that the Poundron contained about 78 percent of the declared amount of vitamin B₁, the Toddets contained about 70 percent of the declared amount of vitamin B₁ and about 75 percent of the declared amount of vitamin C, and the Lederplex Vitamin B Complex contained about 50 percent of the declared amount of vitamin B₁.

LIBELED: 3-24-60, Dist. Mass.

CHARGE: 402(b)(1)—while held for sale, valuable constituents, namely, vitamin B₁ (all lots) and vitamin C (Toddets) were in part omitted or abstracted from the articles; and 403(a)—the label statements (Poundron) “Each tablet contains: * * * Thiamine Hydrochloride 1.0 mg.”; (Toddets) “Each tablet contains * * * Thiamine Chloride 1 mg. * * * Ascorbic Acid 10 mg.” and (Lederplex Vitamin B Complex) “Each teaspoonful (4 cc.) contains: * * * Thiamine HCl (B₁) 2.0 mg.” were false and misleading.

The libel alleged also that Stimavite Tastitabs were misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 6193.

DISPOSITION: 5-16-60. Default—destruction.

27049. Vitamin tablets. (F.D.C. No. 42435. S. No. 30-961 P.)

INFORMATION FILED: 4-30-59, Dist. Mass., against Cowley Pharmaceuticals, Inc., and Benjamin (Ben) C. Cowley, president, Auburn, Mass.

SHIPPED: 10-29-57, from Massachusetts to New York.

LABEL IN PART: "Tablets METAVITES."

CHARGE: 403(a)—the label statements, "Each tablet contains: Vitamin A 10,000 units, Vitamin D 1,000 units, Vitamin B-1 (Thiamin HCl) 6 mg., * * * Vitamin C (Ascorbic Acid) 50 mg., Niacinamide 10 mg. * * * Vitamin B-12 * * * 3 mcg." were false and misleading since each tablet of the article contained less than those amounts of vitamin A, vitamin D, vitamin B-1, vitamin C, niacinamide, and vitamin B-12.

The information also alleged that 4 other products, namely, Cowlserpa (reserpine) tablets, atropine sulfate tablets, digitalis tablets, and Salamin tablets, were misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 6215.

PLEA: Guilty.

DISPOSITION: 5-23-60. Corporation—\$500 fine. Cowley—\$1,000 fine, \$500 of which was suspended, and probation for 1 year.

27050. Yeast culture wafers. (F.D.C. No. 44605. S. No. 43-668 R.)

QUANTITY: 230 cases, each containing 72 60-wafer btls. at Seattle, Wash., in possession of Genius, Inc.

SHIPPED: Between 3-1-60 and 4-5-60, from Chillicothe, Ill., by Newhaven Laboratories.

LABEL IN PART: (Btl.) "Western Yeast Culture A Food Supplement with Vitamin B Complex and Vitamins A and D * * * Each Wafer contains * * * with Vitamin B Complex and Vitamin A and D additions to Vitamins as listed below Vitamin B₁ (Thiamin Mononitrate) 2 mg. Vitamin B-2 (Riboflavin) 2.4 mg. Vitamin B-6 (Pyridoxine Hydrochloride) 1 mg. Vitamin B-12 Cobalamin Concentrate NF) 1 microg. Calcium Pantothenate 2 mg. Acid Nicotinic 10 mg. Folic Acid 0.25 mg. Vitamin A (Acetate) 4000 Units Vitamin D (Irradiated Yeast) 600 Units Powdered Sugar Excipient added * * * The need for Folic Acid, Pyridoxine Hydrochloride, Calcium Pantothenate and Vitamin B-12 has been established * * * Distributed by Western Products South 5th and Broadway, Tacoma 2, Washington."

ACCOMPANYING LABELING: Leaflets entitled "The Western Yeast Story," "S-1 Direct Retail Buyer," "S-2 Wholesale Buyer" and "S-3 Retailer"; placards entitled "As Advertised by Bob Hale"; and cards reading in part "I'll Send You \$2.50 for this card."

RESULTS OF INVESTIGATION: The circulars and placards were designed and printed by Genius, Inc., and were used in promoting sales of the article.

LIBELED: 6-10-60, W. Dist. Wash.

CHARGE: 403(a)—when shipped and while held for sale, the label statement "Western Yeast Culture A Food Supplement" was false and misleading since it suggested and implied that the vitamin content of the article was primarily due to the yeast, whereas the yeast was only a vehicle for the added vitamins which were the primary source of the vitamin content; the labeling statement that the product had been found to aid in more rapid and thorough assimilation, represented that the article was better than other similar food supple-

ments, which representation was false and misleading since it was contrary to fact; and the label statement "The need for Calcium Pantothenate * * * has been established" was false and misleading since such need had not been established; and 403(j)—the article was represented as a food for special dietary uses by reason of its vitamin content and its label failed to bear such information concerning its vitamin properties as the Secretary has determined to be, and by regulation, prescribed as, necessary in order to fully inform purchasers as to its value for such uses, since its label failed to bear the statement "The need for calcium pantothenate in human nutrition has not been established."

The libel alleged also that the article was misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 6230.

DISPOSITION: 6-17-60. Consent—claimed by Genius, Inc., of Seattle, Wash., and relabeled.

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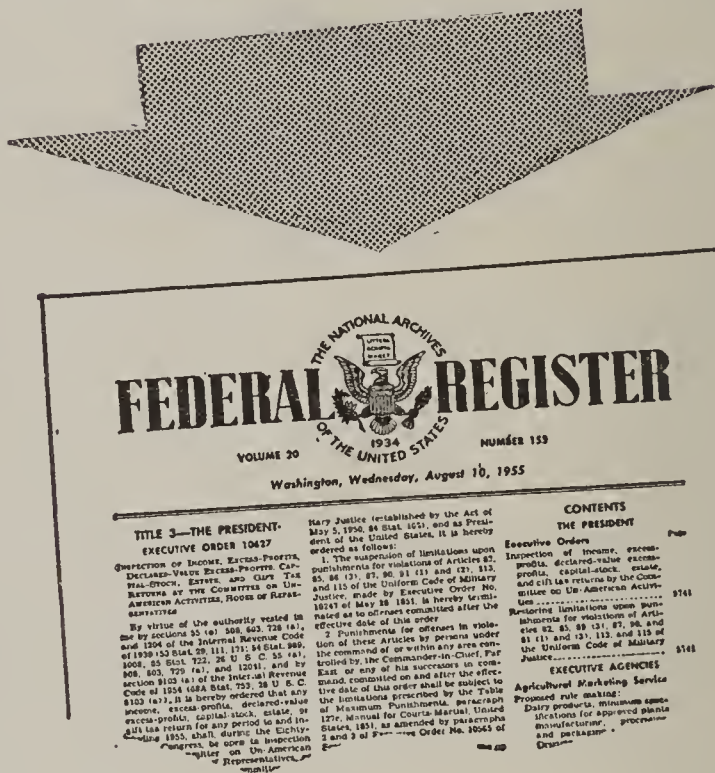
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dressed poultry-----	27039	soybeans -----	27031
Hanline Poultry Co.:		Victor Vitamin Co.:	
dressed poultry-----	27039, 27040	Victorvita Food Supplement--	27044
Harvey & Rhame Co.:		Western Products:	
soybeans -----	27031	yeast culture wafers-----	27050
Helmers, Henry, Grocery Co.:		Williamson, J. W., Jr.:	
flour and unpopped popcorn---	27008	soybeans -----	27031

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U.S. Department of Health, Education, and Welfare
FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,
DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

27051-27150

FOODS

The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were adulterated or misbranded within the meaning of the Act when introduced into and while in interstate commerce, or while held for sale after shipment in interstate commerce, and oleomargarine which was sold or offered for sale in violation of the Act. These cases involve (1) seizure proceedings in which decrees of condemnation were entered by default, or by consent; (2) criminal proceedings which were terminated upon pleas of guilty or nolo contendere; and (3) injunction proceedings terminated upon the entry of permanent injunctions by consent. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal and injunction proceedings are against the *firms* or *individuals* charged to be responsible for violations.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D.C., July 11, 1961.

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**SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS
REPORTED IN F.N.J. NOS. 27051-27150**

Adulteration, Section 402(a) (1), the article contained a poisonous or deleterious substance which might render it injurious to health, and where the substance was not an added substance, the quantity of such substance in such food would ordinarily render it injurious to health; Section 402(a) (2) (A), the article contained an added poisonous and deleterious substance which is unsafe within the meaning of Section 406; Section 402(a) (2) (B), the article was a raw agricultural commodity and contained a pesticide chemical which was unsafe within the meaning of Section 408(a); Section 402(a) (3), the article consisted in part of a filthy or decomposed substance, or it was otherwise unfit for food; Section 402(a) (4), the article had been prepared, packed, or held under insanitary conditions whereby it may have been contaminated with filth or rendered injurious to health; Section 402(b) (1), a valuable constituent had been in whole or in part omitted or abstracted from the article; Section 402(b) (2), a substance had been substituted in whole or in part for the article; Section 402(b) (4), a substance had been added to the article or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it was; Section 406(a), a poisonous or deleterious substance was added to food when such substance was not required in the production thereof and could have been avoided by good manufacturing practice; and Section 408(a), a pesticide chemical deemed unsafe had been added to a raw agricultural commodity and (1) no tolerance had been prescribed by the Secretary of Health, Education, and Welfare, or the quantity of such pesticide chemical in or on the raw agricultural commodity was not within the limits of the tolerance so prescribed and (2) the pesticide chemical had not been exempted from the requirement of a tolerance.

Misbranding, Section 403(a), the labeling of the article was false and misleading; Section 403(b), the article was offered for sale under the name of another food; Section 403(e), the article was in package form, and it failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the quantity of contents in terms of weight, measure, or numerical count; Section 403(f), a word, statement, or other information required by or under authority of the Act to appear on the label was not prominently placed thereon with such conspicuousness (as compared with other statements, designs, or devices in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use; Section 403(g) (1), the article purported to be or was represented as a food for which a definition and standard of identity had been prescribed by regulations and it failed to conform to such definition and standard; 403(i), the article was not subject to the provisions of Section 403(g) and (1) its label failed to bear the common or usual name and (2) the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient; Section 403(j), the article purported to be and was represented for special dietary uses, and its label failed to bear such information concerning its vitamin, mineral, and other dietary properties as the Secretary has determined to be, and by regulation prescribed as, necessary in order fully to inform purchasers as to its value for such uses; and Section 403(k), the article contained an artificial flavoring, artificial coloring, or chemical preservative and failed to bear labeling stating that fact.

Oleomargarine, Section 407(b), colored oleomargarine or colored margarine was sold, or offered for sale, and (1) such oleomargarine or margarine was not packaged, or (3) there failed to appear on the label of the package (A) the word "oleomargarine" or "margarine" in type or lettering at least as large as any other type or lettering on such label, or (B) a full and accurate statement of all the ingredients contained in such oleomargarine, or margarine.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

27051. Cookies. (F.D.C. No. 45304. S. No. 12-340 R.)

QUANTITY: 103 tins at Milwaukee, Wis.

SHIPPED: 11-3-60, from Chicago, Ill., by Hilda's Specialties.

LABEL IN PART: (Tin) "Hilda's Specialties Four Season Butter-Cookies-Assortment * * * Net Wt. 1 lb. * * * Manufactured by Hilda's Specialties, Chicago 21, Illinois."

RESULTS OF INVESTIGATION: Examination showed that the article contained an undeclared chemical preservative and that the article was short weight.

LIBELED: 12-23-60, E. Dist. Wis.

CHARGE: 403(a)—when shipped, the name "Butter Cookies" was false and misleading in that it represented and suggested that butter was the sole shortening ingredient, whereas, the article contained vegetable shortening in addition to butter; 403(e) (2)—the article failed to bear a label containing an accurate statement of the quantity of contents; 403(i) (2)—the article was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient; and 403(k)—it contained a chemical preservative and it failed to bear labeling stating that fact.

DISPOSITION: 1-19-61. Default—delivered to a public institution.

27052. Fruitcakes. (F.D.C. No. 45271. S. Nos. 37-559/60 R.)

QUANTITY: 300 ctns., 1 3-lb. cellophane-wrapped cake each, and 60 tins, 1 5-lb. cellophane-wrapped cake each, at Reading, Pa.

SHIPPED: 12-7-60, from Baltimore, Md., by Capitol Cake Co., Inc.

LABEL IN PART: (Ctn.) "Rum N Brandy * * * Fruit Cake Ing.: * * * pure rum and brandy flavors * * * Dist. by: R. C. Wolff Sales Co. Rochester, N.Y." and (insert label) "Barbara Ellen Rum And Brandy Fruit Cake Made from * * * pure rum and brandy flavor. * * * Distributed by R. C. Wolff Sales Company Rochester, N.Y."

RESULTS OF INVESTIGATION: Examination showed that the articles contained only artificial rum and brandy flavoring.

LIBELED: 12-15-60, E. Dist. Pa.

CHARGE: 403(a)—when shipped, the names of the articles "Rum N Brandy" and "Rum And Brandy" and the statements on their labels "pure rum and brandy flavors," were false and misleading; 403(i) (2)—the articles were fabricated from two or more ingredients and their labels failed to bear the common or usual name of each such ingredient, since the artificial rum and brandy flavors were not declared; and 403(k)—the articles contained artificial rum and brandy flavoring and their labels did not state that fact.

DISPOSITION: 3-1-61. Default—delivered to charitable institutions.

FLOUR*

27053. Flour. (F.D.C. No. 45336. S. Nos. 18-554/57 R.)

QUANTITY: 476 50-lb. bags and 687 25-lb. bags at Albuquerque, N. Mex., in possession of Associated Grocers Cooperative of New Mexico, Inc.

SHIPPED: Between 8-31-60 and 11-18-60, from Minneapolis, Minn., and Amarillo, Tex.

LIBELED: 1-10-61, Dist. N. Mex.

CHARGE: 402(a)(3)—contained bird excreta; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 3-9-61. Consent—claimed by Associated Grocers Cooperative of New Mexico, Inc. Segregated; 81 bags destroyed.

27054. Flour. (F.D.C. No. 45166. S. No. 29-499 R.)

QUANTITY: 500 100-lb. bags at Grand Forks, N. Dak.

SHIPPED: 10-18-60, from Monticello, Ill., by Vio Bin Corp.

LABEL IN PART: (Tag) "Vio Bin * * * Precooked Stabilized Wheat Germ Vio-bin Corporation, Monticello, Illinois."

LIBELED: 11-29-60, Dist. N. Dak.

CHARGE: 402(a)(3)—contained insect fragments and rodent hairs; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 1-17-61. Consent—claimed by State of North Dakota, t/a North Dakota Mill & Elevator Association, and converted into animal feed.

27055. Flour. (F.D.C. No. 45126. S. Nos. 40-358/60 R.)

QUANTITY: 46 50-lb. bags and 233 25-lb. bags at Memphis, Tenn., in possession of H. C. Cole Milling Co.

SHIPPED: Between 8-8-60 and 8-26-60, from Chester, Ill.

LIBELED: 10-26-60, W. Dist. Tenn.

CHARGE: 402(a)(3)—contained insects; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 11-15-60. Default—delivered to a public institution for use as animal feed.

27056. Flour. (F.D.C. No. 43222. S. Nos. 50-008/11 P.)

INFORMATION FILED: 8-24-59, S. Dist. Ohio, against Henry Helmers Grocery Co., a corporation, Cincinnati, Ohio, Carol J. Helmers, president, and Bernard Mersmann, warehouse foreman.

ALLEGED VIOLATIONS: Between 2-18-59 and 5-15-59, while quantities of flour were being held for sale after shipment in interstate commerce, the defendants caused such flour to be held in a building that was accessible to rodents, and to be exposed to contamination by rodents, which acts resulted in the article being adulterated.

CHARGE: 402(a)(3)—portions of the article contained rodent hairs; and 402(a)(4)—all lots of the article were held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 9-4-59. Fines of \$1,200 against the corporation; \$900 against Defendant Helmers; and \$300 against Defendant Mersmann.

*See also No. 27067.

27057. Enriched flour. (F.D.C. No. 45352. S. No. 15-716 R.)

QUANTITY: 100 100-lb. bags at Nashville, Tenn.

SHIPPED: 11-16-60, from Greensburg, Ind., by Nebraska Consolidated Mills Co.

LABEL IN PART: (Tag) "Pound Cake Flour * * * Enriched Mfg. by Garland Mills, Inc., Greensburg, Ind."

RESULTS OF INVESTIGATION: Examination showed that the article failed to meet the definition and standard of identity for enriched flour in that it contained approximately 46.5 percent thiamine, approximately 45.5 percent niacin, and approximately 30.0 percent riboflavin, of the minimum amount of these vitamins required by the standard.

LIBELED: 1-13-61, M. Dist. Tenn.

CHARGE: 402(b)(1)—when shipped, the valuable constituents, thiamine, niacin, and riboflavin, had been in part omitted or abstracted from the article; 403(g)(1)—the article failed to conform to the definition and standard of identity for enriched flour since it contained less than 2.0 milligrams of thiamine, less than 1.2 milligrams of riboflavin, and less than 16 milligrams of niacin; and 403(j)—the article purported to be and was represented as a food for special dietary use by reason of its vitamin and mineral content, and its label failed to bear, as required by regulations, a statement of the proportion of the minimum daily requirements of vitamin A, vitamin B₁, vitamin C, vitamin D, riboflavin, or niacin or niacinamide, and calcium, phosphorus, iron, or iodine, supplied by the article when consumed in a specified quantity during a period of one day.

DISPOSITION: 2-1-61. Consent—claimed by Nebraska Consolidated Mills Co., Omaha, Nebr., and relabeled.

27058. Flour. (F.D.C. No. 45357. S. No. 46-293 R.)

QUANTITY: 33 bales, 5 10-lb. bags each, at Statesboro, Ga., in possession of Alfred Dorman Co.

SHIPPED: 7-6-60, from Chattanooga, Tenn.

LIBELED: 1-19-61, S. Dist. Ga.

CHARGE: 402(a)(3)—contained insects and insect larvae; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 3-2-61. Default—delivered to a charitable institution for use as animal feed.

27059. Flour. (F.D.C. No. 44914. S. No. 35-549 R.)

QUANTITY: 446 100-lb. bags at Yonkers, N.Y.

SHIPPED: 3-17-60 and 4-11-60, from Davenport, Iowa.

LIBELED: 9-27-60, S. Dist. N.Y.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 1-10-61. Consent—claimed by Dulman & Vanderveer, Inc., Yonkers, N.Y., and denatured for use as animal feed.

27060. Flour. (F.D.C. No. 45093. S. Nos. 40-132/3 R, 40-136 R.)

QUANTITY: 162 50-lb. bags, 62 50-lb. bags, and 383 50-lb. bags, at Memphis, Tenn., in possession of Malone & Hyde, Inc.

SHIPPED: Between 7-27-60 and 10-4-60, from Arkansas City, Kans.

LIBELED: 11-16-60, W. Dist. Tenn.

CHARGE: 402(a)(3)—all lots contained rodent urine; 62-bag lot contained insects; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 1-19-61. Default—delivered to a public institution for use as animal feed.

27061. Flour, sweet dough mix, and cruller mix. (F.D.C. No. 44850. S. Nos. 36-818 R, 37-565/7 R, 37-569/74 R.)

QUANTITY: 83 100-lb. bags of doughnut flour; 34 100-lb. bags of flour; 26 100-lb. bags of sweet dough mix; and 9 100-lb. bags of cruller mix, at Philadelphia, Pa.

SHIPPED: Between 3-15-60 and 6-28-60, from New York, N.Y., and Minneapolis, Minn.

LIBELED: 8-12-60, E. Dist. Pa.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 9-14-60. Default—destruction.

MACARONI AND NOODLE PRODUCTS

27062. Macaroni. (F.D.C. No. 45083. S. No. 32-317 R.)

QUANTITY: 103 20-lb. cases at Neptune, N.J.

SHIPPED: 9-16-60, from Brooklyn, N.Y., by De Martini Macaroni Co., Inc.

LABEL IN PART: (Case) "Semolina Macaroni Spaghetti * * * 6M6 Lido Brand Mfgd. by De Martini Mac. Bklyn, N.Y."

LIBELED: 11-9-60, Dist. N.J.

CHARGE: 402(a)(3)—contained insects and insect fragments; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 12-8-60. Default—destruction.

27063. Macaroni products. (F.D.C. No. 45284. S. Nos. 23-246/53 R.)

QUANTITY: 378 cases, 24 7-oz. pkgs. each, of macaroni and cheese; 99 cases, 12 2-lb. pkgs. each, and 33 cases, 24 12-oz. pkgs. each, of elbow spaghetti; 44 cases, 12 1-lb. pkgs. each, of lasagna; 8 cases, 24 6-oz. pkgs. each, of elbow macaroni; 7 cases, 24 6-oz. pkgs. each, of macaroni; and 11 cases, 24 6-oz. pkgs. each, of spaghetti, at Omaha, Nebr.

SHIPPED: 2-20-60, from Memphis, Tenn.

LIBELED: 12-14-60, Dist. Nebr.

CHARGE: 402(a)(3)—contained insects and insect larvae while held for sale.

DISPOSITION: 1-27-61. Default—delivered to a public institution for use as animal feed.

27064. Canned spaghetti. (F.D.C. No. 45379. S. No. 39-753 R.)

QUANTITY: 300 cases, 48 15½-oz. cans each, at Alma, Ark.

SHIPPED: 11-1-60, from Belleville, Ill., by Vevco Foods, Inc.

LABEL IN PART: (Can) "Alma Spaghetti in Tomato Sauce With Cheese * * * Alma Canning Co. Packers and Distributors, Alma, Ark."

LIBELED: 12-30-60, W. Dist. Ark.

CHARGE: 402(a)(3)—contained insect fragments; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 2-16-61. Default—delivered to a public institution for use as animal feed.

27065. Egg noodles and cornmeal. (F.D.C. No. 45090. S. Nos. 21-744/57 R.)

QUANTITY: 78 cases, 24 8-oz. pkgs. each, 7 cases, 12 6-oz. pkgs. each, 77 cases, 12 12-oz. pkgs. each, 36 cases, 12 16-oz. pkgs. each, and 24 cases, 24 5-oz. pkgs. each, of egg noodles; and 37 100-lb. bags of cornmeal, at Cleveland, Ohio.

SHIPPED: Between September 1958 and September 1960, from Lincoln, Nebr.

LIBELED: 11-10-60, N. Dist. Ohio.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 1-23-61. Consent—claimed by Sheinbart Milling Co., Cleveland, Ohio, and converted for use as animal feed.

MISCELLANEOUS CEREALS*

27066. Corn flakes. (F.D.C. No. 45191. S. No. 2-336 R.)

QUANTITY: 152 25-lb. bags at Valdosta, Ga.

SHIPPED: 10-8-60 and 10-12-60, from Kankakee, Ill.

LIBELED: 12-19-60, M. Dist. Ga.

CHARGE: 402(a)(3)—contained insects and insect parts while held for sale.

DISPOSITION: 2-8-61. Default—destruction.

27067. Grits and flour. (F.D.C. No. 45020. S. Nos. 46-185 R, 46-187/88 R.)

QUANTITY: 25 bales, 10 5-lb. pkgs. each, of grits; and 58 25-lb. bags of flour, at Atlanta, Ga., in possession of Lanier Bros.

SHIPPED: Between 4-25-60 and 9-1-60, from Chattanooga and Knoxville, Tenn.

LIBELED: 10-14-60, N. Dist. Ga.

CHARGE: 402(a)(3)—contained insects; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 12-13-60. Default—the grits were delivered to a public institution for use as animal feed; the flour was destroyed.

27068. Malting barley. (F.D.C. No. 45427. S. Nos. 42-713/15 R.)

QUANTITY: 300,000 lbs. at Minneapolis, Minn.

SHIPPED: 1-19-61, from Tulalake, Calif., by Winema Elevators, Inc.

LIBELED: 2-16-61, Dist. Minn.

CHARGE: 402(a)(3)—contained insects when shipped; and 402(a)(4)—had been held at Winema Elevators, Inc., under insanitary conditions.

DISPOSITION: 3-2-61. Consent—claimed by Winema Elevators, Inc. Segregated; 7,100 lbs. destroyed.

27069. Barley-kaffir seed mixture. (F.D.C. No. 45134. S. No. 25-338 R.)

QUANTITY: 36,280 lbs. at Phoenix, Ariz.

SHIPPED: 10-5-60, from Kress, Tex., by Wilson Grain Co.

RESULTS OF INVESTIGATION: Examination showed that the kaffir seeds mixed with the barley contained an added mercurial compound.

*See also No. 27111.

LIBELED: 11-14-60, Dist. Ariz.

CHARGE: 402(a)(2)(B) the article was a raw agricultural commodity and, when shipped, contained a pesticide chemical, namely, a mercurial compound, which is unsafe within the meaning of 408(a) since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on barley or kaffir has been prescribed by regulations.

DISPOSITION: 2-21-61. Default—destruction.

27070. Unpopped popcorn. (F.D.C. No. 45084. S. No. 53-452 R.)

QUANTITY: 34 100-lb. bags at Charlestown, Mass.

SHIPPED: 7-26-60 and 9-7-60, from Chicago, Ill.

LIBELED: 11-7-60, Dist. Mass.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 1-9-61. Default—delivered to a public institution for use as animal feed.

27071. Unpopped popcorn. (F.D.C. No. 45127. S. Nos. 22-733/36 R.)

QUANTITY: 84 cases, 12 2-lb. bags each, 27 cases, 24 1-lb. bags each, 5 cases, 6 4-lb. bags each, and 35 cases, 12 2-lb. bags each, at Tulsa, Okla.

SHIPPED: 10-14-59 and 10-23-59, from Indianapolis, Ind.

LIBELED: 10-27-60, N. Dist. Okla.

CHARGE: 402(a)(3)—contained insects and insect excreta while held for sale.

DISPOSITION: 12-7-60. Default—destruction.

27072. Unpopped popcorn and raisins. (F.D.C. No. 45318. S. Nos. 19-092/95 R, 19-098/100 R.)

QUANTITY: 251 100-lb. bags, 494 ctns., 12 24-oz. bags each, and 127 ctns., 24 12-oz. bags each, of popcorn; and 123 ctns., 24 15-oz. bags each, of raisins, at Mountainair, N. Mex., in possession of Ray's Bean Co.

SHIPPED: Between 11-17-58 and 3-21-60, from Fresno, Calif., and Kansas City, Mo.

LIBELED: 1-11-60, Dist. N. Mex.

CHARGE: 402(a)(3)—contained insects and insect excreta, and (some lots) rodent urine and rodent excreta; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 4-10-61. Default—delivered to a public institution for use as animal feed.

27073. Rice. (F.D.C. No. 44898. S. Nos. 2-680/81 R.)

QUANTITY: 11 100-lb. bags and 480 25-lb. bags, at Orangeburg, S.C., in possession of W. A. Livingston, Inc.

SHIPPED: 6-7-60, from Mermentau, La.

LIBELED: 9-26-60, E. Dist. S.C.

CHARGE: 402(a)(3)—contained insects and rodent urine and (25-lb. bag lot only) bird excreta; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 11-7-60. Default—delivered to a public institution for use as animal feed.

27074. Rice. (F.D.C. No. 45172. S. No. 31-920 R.)

QUANTITY: 720 2-lb. bags at New Orleans, La.

SHIPPED: 10-20-60, from Houston, Tex., by Comet Rice Mills.

LABEL IN PART: (Bag) "Comet Wonder Regular * * * Rice * * * Comet Rice Mills."

LIBELED: 12-6-60, E. Dist. La.

CHARGE: 402(a)(3)—contained insects and insect excreta; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 3-15-61. Default—destruction.

27075. Rice. (F.D.C. No. 45303. S. No. 5-651 R.)

QUANTITY: 22 cases, 60 1-lb. boxes each, at Baltimore, Md.

SHIPPED: 6-8-60, from Mermentau, La., by Mermentau Rice Mill Co., Inc.

LABEL IN PART: (Box) "Lark Brand Long Grain Rice Sterling Sales Co., Inc., New Orleans, La."

RESULTS OF INVESTIGATION: Examination showed that the article was broken rice and not long grain rice.

LIBELED: 12-22-60, Dist. Md.

CHARGE: 402(a)(3)—contained insects and insect fragments while held for sale; and 403(a)—when shipped, the label statement "Long Grain Rice" was false and misleading.

DISPOSITION: 1-16-61. Default—destruction.

27076. Wheat, oats, and other grains for human consumption. (Inj. No. 379.)

COMPLAINT FOR INJUNCTION FILED: 6-20-60, Dist. S. Dak., against Glen R. Litehiser, t/a Litehiser Grain & Fuel Co., Seneca, S. Dak.

CHARGE: The complaint alleged that the defendant was engaged in operating a grain elevator consisting of a main elevator house and three storage bin annex buildings for the storage and distribution of wheat, oats, and other grain for human consumption, and that the defendant was causing to be introduced into interstate commerce such grains which were adulterated within the meaning of 402(a)(3) by reason of contamination with rodent, insect, and bird filth, and within the meaning of 402(a)(4) by reason of being held at defendant's elevator under insanitary conditions.

It was alleged further that the insanitary conditions resulted from and consisted of the presence of the following:

East Annex bin—rodent trails over the entire surface of the wheat stored therein, several rodent entries provided by holes in the wooden side walls, a dead rat lying on the floor; deep rodent trails at the edge of the grain along the east, north, and west walls, two rodent burrows in the surface of the grain, two rodent trails on top of the grain along the north wall, rodent burrows in the tar paper lining tacked to the wall, two rodent burrows in the surface of the grain along the west side of the bin, and one rodent entry in the west wall, approximately 50 rat pellets in a 10 foot square area along the west wall, a bird's nest at the top of a pile of wheat, and several hundred live tribolium beetles in a quart sample of grain collected from the surface, and the presence on the surface of the wheat in storage of hundreds of mouse and rat excreta pellets, grain kernels containing urine, bird excreta pellets and bird feathers, and hundreds of weevils, tribolium and flat grain beetles and larvae.

Middle Annex bin—the access door was wide open, rodent burrowings were found in the cracks in the concrete floor, a dead rabbit in the oats, and approximately 10 live birds inside the building.

West Annex bin—an ill-fitting main entrance door which allowed the entrance of rodents and numerous rodent burrowings and rodent tracks.

Main Elevator house—the breaks in the concrete floor and in the foundation contained numerous rodent burrows, rodent entries in a section of the dirt floor, and in the wooden siding above the concrete foundation, and rodent tracks throughout the basement.

The complaint alleged further that the defendant was well aware that his activities were in violation of the Act: that an inspection of the elevator had been made by inspectors of the Food and Drug Administration on 11-8-57, at which time the insanitary conditions in the elevator were called to the defendant's attention, and that despite such warnings the defendant failed to correct the insanitary conditions and continued to introduce into interstate commerce wheat, oats, and other grains for human consumption which were adulterated as specified above.

DISPOSITION: On 6-20-60, a temporary restraining order was entered enjoining the defendant against the acts complained of. Thereafter, the defendant having consented, the court entered a decree of temporary injunction on 6-29-60, that was modified on 7-1-60. Such decree as modified provided as follows:

1. That the defendant remove as soon as reasonably possible all wheat from the storage bin described as East Annex bin.
2. That the top layer of such wheat ranging from two to five inches in thickness, and all wet wheat in the East Annex bin be sold for animal feed.
3. That the remainder of the wheat should be inspected by the Food and Drug Administration and any that was found fit for human consumption should be shipped to Minneapolis, Minn., and any that was unfit should be cleaned, scoured, or otherwise treated to make it suitable for human consumption.
4. That the East Annex bin should be repaired.
5. That none of the grain stored in any of the elevator buildings, except for the wheat in the East Annex bin, should be shipped in interstate commerce until the further order of the court.

On 8-4-60, it having been found that the wheat and oats stored in the Middle and West Annex bins were in suitable condition, an order was entered modifying the consent decree of temporary injunction to permit the shipment and sale on the open market of all such wheat and oats.

On 11-5-60, the defendant having consented, and it appearing that the defendant had satisfactorily destroyed, sold, or otherwise disposed of the grain on hand at the time of the temporary injunction of 7-1-60, and it also appearing that the main elevator house was suitable for the storage of grains for human consumption, the court entered a decree of permanent injunction enjoining and restraining the defendant from storing any wheat, oats, and other grains for human consumption in the East, Middle, and West Annex bins, and from introducing into interstate commerce any such grains from such bins unless and until:

1. The grain storage facilities were thoroughly cleaned, renovated, and rendered suitable for use in the storage of wheat, oats, and other grains for human consumption, and all rodent, insect, and bird filth was re-

moved from the storage facilities, and all equipment used in storing such grains was clean; all rodent, insect, and bird filth in and about the storage facilities was eliminated; the means of ingress and egress by rodents, insects, and birds were closed; and any similar insanitary conditions which may result in contamination of grain while held at such storage facilities were eliminated.

2. An inspection was made of the storage facilities by the Food and Drug Administration and a report made to the court that the above-mentioned insanitary conditions no longer existed.

27077. Wheat. (F.D.C. No. 44814. S. No. 43-880 R.)

QUANTITY: 121,500 lbs. at Spokane, Wash.

SHIPPED: 9-19-60, from Conrad, Mont., by Occident Elevator Co.

LIBELED: 10-19-60, E. Dist. Wash.

CHARGE: 402(a) (3)—contained rodent excreta pellets when shipped.

DISPOSITION: 11-2-60. Consent—claimed by Occident Elevator Co. Segregated; 12,400 lbs. converted into animal feed.

27078. Wheat. (F.D.C. No. 45326. S. No. 35-319 R.)

QUANTITY: 1,833 bushels at Clifton, N.J.

SHIPPED: 12-8-60, from Dansville, N.Y., by Dansville Farm Supply.

LIBELED: 1-4-61, Dist. N.J.

CHARGE: 402(a) (3)—contained rodent excreta pellets when shipped.

DISPOSITION: 2-3-61. Consent—claimed by Dansville Farm Supply, and denatured for use as animal feed.

27079. Wheat. (F.D.C. No. 45399. S. No. 55-535 R.)

QUANTITY: 104,140 lbs. at Tacoma, Wash.

SHIPPED: 12-29-60, from Conrad, Mont., by Farmers Union Grain Terminal Association.

LIBELED: 1-19-61, W. Dist. Wash.

CHARGE: 402(a) (3)—contained rodent excreta pellets when shipped.

DISPOSITION: 1-23-61. Consent—claimed by Farmers Union Grain Terminal Association, Great Falls, Mont., and denatured.

27080. Wheat. (F.D.C. No. 45407. S. No. 55-768 R.)

QUANTITY: 42,210 lbs. at Nisqually, Wash.

SHIPPED: 1-21-61, from Gooding, Idaho, by Western Warehouse Co.

LIBELED: 1-26-61, W. Dist. Wash.

CHARGE: 402(a) (3)—contained rodent excreta pellets when shipped.

DISPOSITION: 2-7-61. Consent—claimed by Western Warehouse Co., and denatured.

27081. Wheat. (F.D.C. No. 45409. S. No. 47-189 R.)

QUANTITY: 120,640 lbs. at Toledo, Ohio.

SHIPPED: 1-13-61, from Imlay City, Mich., by Michigan Elevator Exchange.

LIBELED: 1-31-61, N. Dist. Ohio.

CHARGE: 402(a) (3)—contained rodent excreta pellets when shipped.

DISPOSITION: 2-10-61. Consent—claimed by Michigan Elevator Exchange, Lansing, Mich., and reconditioned by cleaning and fumigating.

27082. Wheat. (F.D.C. No. 45455. S. No. 44-938 R.)

QUANTITY: 90,000 lbs. at Spokane, Wash.

SHIPPED: 2-23-61, from Big Sandy, Mont., by Farmers Union Grain Terminal Association.

LIBELED: 3-14-61, E. Dist. Wash.

CHARGE: 402(a) (3)—contained rodent excreta pellets when shipped.

DISPOSITION: 3-17-61. Consent—claimed by Farmers Union Grain Terminal Association and denatured for use as animal feed.

27083. Wheat germ. (F.D.C. Nos. 45128, 45138. S. Nos. 54-826 R, 54-829 R.)

QUANTITY: 869 100-lbs. bags at Monticello, Ill., in possession of Vio Bin Corp.

SHIPPED: Between 9-6-60 and 9-27-60, from Kansas City and Great Falls, Mo., and Chicago, Ill.

LIBELED: 10-27-60, E. Dist. Ill.; amended libel 11-17-60.

CHARGE: 402(a) (3)—contained rodent urine; and 402(a) (4)—held under insanitary conditions.

DISPOSITION: 12-7-60 and 12-19-60. Consent—claimed by Vio Bin Corp., and denatured for use as animal feed.

CHOCOLATE, SUGAR, AND RELATED PRODUCTS

CHOCOLATE PRODUCT

27084. Chocolate-coated peanuts. (F.D.C. No. 45085. S. No. 37-671 R.)

QUANTITY: 9 30-lb. ctns. at Barclay, Md.

SHIPPED: 10-18-60, from Philadelphia, Pa., by Lummis & Co.

LABEL IN PART: (Ctn.) "Lummis Chocolate Peanuts Lummis & Co., Phila. 6, Pa. Double-Dipped Milk * * * L4630 A & C Candy Co., Barclay, Md."

RESULTS OF INVESTIGATION: Examination showed the article to be peanuts covered with a chocolate-colored coating containing fat other than cacao fat.

LIBELED: 11-8-60, Dist. Md.

CHARGE: 402(b) (2)—when shipped, a fat other than cacao fat had been substituted in whole or in part for cacao fat; and 403(a)—the label statements "Chocolate Peanuts" and "Double-Dipped Milk" were false and misleading as applied to a product which was not double coated with milk chocolate.

DISPOSITION: 12-6-60. Default—delivered to charitable institutions.

CONFECTIONERY

27085. Candy suckers. (F.D.C. No. 43378. S. No. 79-993 P.)

QUANTITY: 32 ctns., 24 1-oz. suckers each, at Detroit, Mich.

SHIPPED: 6-8-59, from Atlanta, Ga., by Beckham Candy Co.

LABEL IN PART: (Sucker) "Flap Jack * * * Beckham Candy Co. Atlanta, Ga." and (ctn.) "Beckham's Flapjack Sucker * * * Beckham Candy Co. Atlanta, Ga."

LIBELED: On or about 7-7-59, E. Dist. Mich.

CHARGE: 402(a)(1)—when shipped, the article contained a deleterious substance, pointed wooden sticks, which may have rendered it injurious to health.

DISPOSITION: 1-21-60. Consent—delivered to a public institution after removal of the pointed sticks from the article.

27086. Candy (malted milk balls). (F.D.C. No. 45136. S. No. 42-014 R.)

QUANTITY: 106 cases, each containing 20 boxes, each box containing 240 candy balls, at San Francisco, Calif.

SHIPPED: Between 8-22-60 and 10-4-60, from Chicago, Ill.

LIBELED: 11-9-60, N. Dist. Calif.

CHARGE: 402(a)(3)—contained moldy, decomposed candy while held for sale.

DISPOSITION: 11-23-60. Consent—claimed by Leaf Brands, Inc., Chicago, Ill. Segregated; 5 cases destroyed.

27087. Liquor candies. (F.D.C. No. 45311. S. Nos. 40-660 R, 55-061 R.)

QUANTITY: 5 cases, 24 1-lb. boxes each, of liquor wafers, and 2 cases, 24 1-lb. boxes each, of liquor candies, at St. Louis, Mo.

SHIPPED: 11-9-60, from Cincinnati, Ohio, by Reinhart's.

LABEL IN PART: (Box) "Ohio's Famous Liqueur Wafers * * * Reinhart's, Cincinnati * * * Ingredients: * * * Blackberry Brandy 70 Proof—Apricot Brandy 70 Proof—Peach Brandy 70 Proof Sloe Gin 60 Proof, and Cointreau 80 Proof" and "Ohio's Famous Liquor Candies * * * Reinhart's, Cincinnati * * * Ingredients: * * * 100 Proof Bonded Bourbon, 86.8 Proof Scotch, 90 Proof Rum, and 70 Proof Creme de Menthe."

ACCOMPANYING LABELING: Leaflets in box reading in part "That you may know * * * A taste will convince you of the outstanding and unique quality in both liquors and liqueurs with their bonded Bourbon, imported Rum and Scotch, aromatic Creme de Menthe, Apricot, Peach and Blackberry Brandy or the exotic Cointreau and Sloe Gin," and "That you may know * * * A taste will convince you of the outstanding and distinctive quality—with its 100 proof bonded Bourbon; its imported Rum and Scotch; and its aromatic Creme de Menthe."

RESULTS OF INVESTIGATION: Examination showed that the articles contained (Liqueur Wafers) 0.15 percent alcohol by volume, and (Liquor Candies) 0.23 percent alcohol by volume.

LIBELED: 12-29-60, E. Dist. Mo.

CHARGE: 403(a)—when shipped, the labeling of the articles contained statements which represented and suggested that the articles contained (Liqueur Wafers) Apricot, Peach and Blackberry Brandies, Cointreau and Sloe Gin, and (Liquor Candies) Bourbon, Rum, Scotch, and Creme de Menthe; which statements were false and misleading as applied to these articles which contained no significant amounts of alcohol.

DISPOSITION: 1-30-61. Default—destruction.

27088. Candy. (F.D.C. No. 43241. S. No. 32-319 P.)

INFORMATION FILED: 12-4-59, Dist. Mass., against Deran Confectionery Co., Inc., Cambridge, Mass.

SHIPPED: 10-17-58, from Cambridge, Mass., to New York, N.Y.

LABEL IN PART: "Deran Confectionery Co., Inc. * * * Nut Chocolate."

CHARGE: 402(a)(3)—contained insects and insect parts when shipped.

PLEA: Guilty.

DISPOSITION: 1-23-61. Fine of \$150.

27089. Marshmallows. (F.D.C. No. 45146. S. No. 29-886 R.)

QUANTITY: 20 cases, 24 14-oz. bags each, at Hopkins, Minn.

SHIPPED: 5-24-60, from Chicago, Ill.

LIBELED: 11-21-60, Dist. Minn.

CHARGE: 402(a)(3)—contained a decomposed substance while held for sale.

DISPOSITION: 2-13-61. Default—destruction.

SIRUP AND SUGAR

27090. Sorghum sirup. (F.D.C. No. 44825. S. No. 25-431 R.)

QUANTITY: 89 cases, 12 22-oz. labeled btls. each, and 189 cases, 12 22-oz. unlabeled btls. each, at Riverside, Calif.

SHIPPED: Between April 1960 and 7-10-60, from Monroe, La., by H. Norris Syrup Co.

LABEL IN PART: (Btl.) "Old Fashioned Sorghum * * * Packed for Pine Ridge Syrup Co. Box 44 Hatfield, Arkansas, Made from selected varieties of cane."

RESULTS OF INVESTIGATION: Examination showed that the article was a mixture of sorghum sirup and invert sugar sirup.

LIBELED: 10-19-60, S. Dist. Calif.

CHARGE: Labeled btls., 402(b)(2)—when shipped and while held for sale, a mixture of sorghum sirup and invert sugar sirup had been substituted in part for sorghum sirup; and 403(a)—the label statement "Sorghum" was false and misleading as applied to a mixture of sorghum sirup and invert sugar sirup.

Unlabeled btls., 403(e)—when shipped, the article failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor, (2) an accurate statement of the quantity of the contents in terms of weight, measure or numerical count; and 403(i)—the article did not bear a label bearing (1) the common or usual name of the food and (2) the common or usual name of each ingredient from which it was fabricated.

DISPOSITION: 1-19-61. Default—delivered to a charitable institution.

27091. Ice cream sirups. (F.D.C. No. 44885. S. Nos. 42-721/3 R.)

QUANTITY: 42 50-lb. pails at San Francisco, Calif.

SHIPPED: April 1960 and 5-16-60, from Pittsburgh, Pa.

LIBELED: 9-12-60, N. Dist. Calif.

CHARGE: 402(a)(3)—contained a decomposed substance while held for sale.

DISPOSITION: 10-11-60. Default—destruction.

27092. Sugar. (F.D.C. No. 45173. S. Nos. 27-870/71 R.)

QUANTITY: 49 100-lb. bags and 113 25-lb. bags at Minneapolis, Minn., in possession of Slocum Co.

SHIPPED: 7-27-60, from Sidney, Mont.

LIBELED: 12-14-60, Dist. Minn.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 3-1-61. Default—destruction.

DAIRY PRODUCTS

BUTTER

27093. Butter. (F.D.C. No. 43758. S. Nos. 13-254/55 R.)

QUANTITY: 6 cases, each containing 9 5-lb. rolls, and 25 1-lb. prints, at Chicago, Ill.

SHIPPED: 12-27-60, from outside the State of Illinois.

LIBELED: 2-6-61, N. Dist. Ill.

CHARGE: 402(b)(2)—while held for sale, a product containing less than 80 percent by weight of milk fat had been substituted for butter; and 402(b)(4)—water had been added to the article or mixed or packed therewith so as to increase its bulk or weight and reduce its quality.

DISPOSITION: 3-9-61. Default—destruction.

27094. Butter. (F.D.C. No. 43744. S. Nos. 9-022/3 R.)

QUANTITY: 157 cases, 32 1-lb. prints each, and 30 cases, 12 1-lb. prints each, at Rochester, N.Y.

SHIPPED: A quantity of cream was shipped on 7-26-60, from Boston, Mass.

RESULTS OF INVESTIGATION: Examination showed that the butter was made from cream which became decomposed after shipment.

LIBELED: 8-9-60, W. Dist. N.Y.

CHARGE: 402(a)(3)—contained a decomposed substance while held for sale.

DISPOSITION: 9-27-60. Consent—claimed by Pavilion Creamery Co., Inc., Rochester, N.Y., and converted into butter oil.

27095. Butter. (F.D.C. No. 43757. S. No. 58-903 R.)

QUANTITY: 41 64-lb. boxes at Chicago, Ill.

SHIPPED: 1-3-61, from Shawano, Wis., by Consolidated Badger Cooperative.

LIBELED: 2-9-61, N. Dist. Ill.

CHARGE: 402(b)(2)—when shipped, a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: 2-15-61. Consent—claimed by Berkshire Foods, Inc., Chicago, Ill., and reworked.

CHEESE

27096. Cheddar cheese. (Inj. No. 395.)

COMPLAINT FOR INJUNCTION FILED: 1-5-61, Dist. S. Dak., against Dakota Cheese Co., a corporation, Pollock, S. Dak., and Robert R. Richardson, manager.

CHARGE: The complaint alleged that the defendants were engaged in operating a cheese factory producing cheddar cheese, and that the cheese when introduced into interstate commerce was adulterated as follows:

402(a)(3)—contained rodent hair fragments, moth scales, insect fragments, fly seta, feather barbules, and plant and manure fragments primarily because of the use of dirty, contaminated milk in the preparation of the cheese.

The complaint alleged further that the defendants were well aware that their activities were in violation of the Act in that on each of three inspections in a period of one month, the defendant, Robert R. Richardson, was warned that the quality of the milk was very poor and that a fieldman should be hired to work with the patrons to improve the quality of the milk; and he was advised that filtering and other manipulation of the milk during processing into cheese will likely continue to remove objective filth but that these processes would not effectively remove the soluble filth elements, such as insect body juices and fatty substances, introduced into the finished product by the use of grossly contaminated milk.

DISPOSITION: 1-5-61. A temporary restraining order was issued by the court enjoining the defendants from introducing into interstate commerce cheddar cheese which was adulterated as described in the complaint.

1-11-61. The defendants having consented, the court entered a decree of permanent injunction enjoining them against causing cheddar cheese or any similar article of food which is adulterated as alleged in the complaint, to be introduced and delivered for introduction into interstate commerce. The defendants were further enjoined from shipping cheddar cheese in interstate commerce until such measures are taken as will insure acceptance of clean milk, free of sediment and other foreign matter, and the rejection of other milk.

27097. Grated cheese. (F.D.C. No. 45055. S. No. 7-577 R.)

QUANTITY: 25 cases, 24 5-oz. jars each, at Boston, Mass., in possession of John Zedros, Inc.

SHIPPED: 9-4-60, from Hinesburg, Vt., by Brunetto Economou Cheese Corp.

LABEL IN PART: (Jar) "Alma Brand Italian Style Grated Cheese Made from partially skimmed milk. A skillfully blended mixture of domestic and Italian imported cheese * * * Packed by John Zedros, Inc., Boston, Mass."

RESULTS OF INVESTIGATION: Examination showed that the article failed to meet the definition and standard for hard grating cheeses in that it contained more than 34 percent of moisture, and its solids contained less than 32 percent of milk fat. The article was shipped unlabeled and subsequently labeled by the dealer as described above.

LIBELED: 10-21-60, Dist. Mass.

CHARGE: 402(b)(1)—when shipped, the valuable constituent, milk fat, had been in part omitted or abstracted from the article; 403(a)—while held for sale, the label statements "Italian Style Grated Cheese" and "A skillfully blended mixture of domestic and imported cheese" were false and misleading as applied to a product containing more than 34 percent of moisture, and less than 32 percent of milk fat; 403(f)—while held for sale, the name and address of the manufacturer and the quantity of contents statement were not prominently placed on the label with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling), as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase and use; and 403(g)(1)—when shipped, the article failed to conform to the definition and standard of identity for grated hard grating cheese.

DISPOSITION: 11-29-60. Default—delivered to a public institution.

EGGS

27098. Frozen eggs. (F.D.C. No. 43665. S. Nos. 9-287 P, 13-418/19 P, 13-424 P, 13-429 P, 31-652 P, 31-654 P, 32-196 P, 32-715/16 P, 54-033/34 P.)

INFORMATION FILED: 10-28-59, M. Dist. Tenn., against Modern Egg Products, Inc., Nashville, Tenn., and Barry Rymer, president.

SHIPPED: Between 5-21-58 to 1-22-59, from Nashville, Tenn., to Pittsburgh, Pa., St. Louis, Mo., Chicago, Ill., Jersey City, N.J., New York and Brooklyn, N.Y.

LABEL IN PART: (Can) "Frozen Whole Eggs Modern Egg Products, Inc. 30 Lbs Net Wt Nashville, Tenn"; "VITABAKE 30 lbs. Net Weight Contents Whole Eggs, Egg Yolks, Sugar and Salt;" "Frozen Whole Eggs Packed for L. Meyer 30 lbs. Net Wt Jersey City, N.J.;" and "Frozen Whole Eggs."

CHARGE: 402(a) (3)—contained decomposed eggs when shipped.

PLEA: Guilty.

DISPOSITION: 1-9-61. Rymer—1 year imprisonment suspended on condition that defendant not engage in the egg business, 3 years probation, and \$11,000 fine, suspended on condition of no further violation and of the payment of the sum of \$500; corporation—\$11,000 fine, suspended on condition of no further violation and of the payment of the sum of \$500.

27099. Frozen eggs. (F.D.C. No. 45142. S. No. 10-213 R.)

QUANTITY: 14 30-lb. cans at Utica, N.Y.

SHIPPED: 10-18-60 and 11-1-60, from New Holland, Pa., by Weaver's Quality Egg, Inc.

LABEL IN PART: "Weaver's Quality Egg, Inc. New Holland, Pa. Whole Eggs."

LIBELED: 11-15-60, N. Dist. N.Y.

CHARGE: 402(a) (3)—contained flies and decomposed eggs when shipped.

DISPOSITION: 12-22-60. Default—destruction.

27100. Frozen eggs. (F.D.C. No. 45339. S. No. 2-340 R.)

QUANTITY: 35 30-lb. cans at Jacksonville, Fla.

SHIPPED: 9-9-60, from Chicago, Ill.

LIBELED: 1-9-61, S. Dist. Fla.

CHARGE: 402(a) (3)—contained decomposed eggs while held for sale.

DISPOSITION: 2-17-61. Default—destruction.

FEEDS AND GRAINS

27101. Cracked corn. (F.D.C. No. 45038. S. No. 36-125 R.)

QUANTITY: 18 bags, containing a total of 1,809 lbs., at Brooklyn, N.Y.

SHIPPED: The article was delivered, on 8-29-60, to a ship pier at Brooklyn, N.Y., for shipment to Iceland.

RESULTS OF INVESTIGATION: Examination showed that the article was moldy. This condition developed following submersion in polluted river water, which occurred as a result of a storm on 9-13-60, which flooded the pier where the article was stored.

LIBELED: 11-1-60, E. Dist. N.Y.

CHARGE: 402(a)(3)—contained a decomposed substance while in interstate commerce.

DISPOSITION: 12-2-60. Default—destruction.

27102. Cracked wheat. (F.D.C. No. 44921. S. No. 32-303 R.)

QUANTITY: 17 100-lb. bags at Brooklyn, N.Y.

SHIPPED: 8-15-60, from Northboro, Mass., by Armeno Cereal Co., Inc.

LABEL IN PART: (Bag) "589 In Lieu of Rice Use Armeno Nutritious Whole-some Bulgar (Pre-Cooked Granulated Wheat) Manufactured by Armeno Cereal Co., Inc., Westboro, Mass."

LIBELED: 10-13-60, E. Dist. N.Y.

CHARGE: 402(a)(3)—contained insects and insect fragments; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 2-7-61. Default—destruction.

FRUITS AND VEGETABLES

CANNED FRUIT

27103. Cranberry sauce. (F.D.C. No. 44008. S. No. 79-116 P.)

QUANTITY: 273 cases, 24 1-lb. cans each, at Mansfield, Ohio.

SHIPPED: 9-16-59, from Hanson, Mass., by National Cranberry Association.

LABEL IN PART: (Can) "Ocean Spray Cranberry Sauce Jellied * * * Packed by National Cranberry Association, Hanson, Mass."

LIBELED: 12-28-59, N. Dist. Ohio.

CHARGE: 402(a)(2)(A)—when shipped, the article contained an added poisonous and deleterious substance, aminotriazole, which is unsafe within the meaning of 406 since this substance is not required in the production of this food and can be avoided by good manufacturing practice.

DISPOSITION: 1-20-61. Default—destruction.

27104. Cranberry sauce. (F.D.C. No. 43829. S. No. 50-495 P.)

QUANTITY: 91 cases, 24 1-lb. cans each, at Columbus, Ohio.

SHIPPED: 10-28-59, from Bridgeton, N.J., by Morris April Bros.

LABEL IN PART: "Monarch Jellied Cranberries (Strained) * * * Consolidated Foods Corporation, Chicago, Ill."

LIBELED: 11-27-59, S. Dist. Ohio.

CHARGE: 402(a)(2)(A)—when shipped, the article contained an added poisonous and deleterious substance, aminotriazole, which is unsafe within the meaning of 406 since such substance is not required in the production of this food and can be avoided by good manufacturing practice.

DISPOSITION: 1-31-61. Default—destruction.

DRIED FRUIT*

27105. Evaporated apples. (F.D.C. No. 45179. S. No. 16-884 R.)

QUANTITY: 440 40-lb. cases at Terre Haute, Ind.

*See also No. 27072.

SHIPPED: 10-14-60, from Sebastopol, Calif., by Robert A. Black Co., Inc.

LABEL IN PART: (Case) "Burlingame Brand California Evaporated Apple Chops * * * Robert A. Black Co., Inc., San Francisco, California."

LIBELED: On or about 1-13-61, S. Dist. Ind.

CHARGE: 402(a)(3)—contained insect excreta, insect-damaged, and moldy apples when shipped.

DISPOSITION: 2-14-61. Default—delivered to a charitable institution for use as animal feed.

27106. Dates. (F.D.C. No. 45131. S. No. 39-352 R.)

QUANTITY: 15 50-lb. cases at St. Louis, Mo.

SHIPPED: 1-7-59, from Newark, N.J.

LIBELED: 11-3-60, E. Dist. Mo.

CHARGE: 402(a)(3)—contained insects, insect fragments, insect excreta, and webbing while held for sale.

DISPOSITION: 12-14-60. Default—delivered to a public institution for use as animal feed.

27107. Dates. (F.D.C. No. 45378. S. No. 54-024 R.)

QUANTITY: 790 50-lb. boxes, 8 20-lb. boxes, and 10 ctns., 24 1-lb. bags each, at Minneapolis, Minn.

SHIPPED: 11-25-60 and 11-28-60, from New York, N.Y.

LIBELED: 1-3-61, Dist. Minn.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 3-10-61. Consent—claimed by Braun Importing Co., Inc., New York, N.Y. Segregation was unsuccessful and the article was destroyed.

MISCELLANEOUS FRUIT PRODUCTS

27108. Canned blackberry juice. (F.D.C. No. 45070. S. No. 1-935 R.)

QUANTITY: 50 1-gal. cans at Jacksonville, Fla.

SHIPPED: 12-18-59, from New York, N.Y.

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing active decomposition.

LIBELED: 10-28-60, S. Dist. Fla.

CHARGE: 402(a)(3)—contained a decomposed substance while held for sale.

DISPOSITION: 12-20-60. Default—destruction.

27109. Frozen concentrated orange juice. (F.D.C. No. 45362. S. No. 25-340 R.)

QUANTITY: 346 cases, 48 5-oz. cans each, at Phoenix, Ariz.

SHIPPED: 9-26-60, from Los Angeles, Calif., by Minute Maid Corp.

LABEL IN PART: (Can) "Hi-Vi Brand Frozen Concentrated Orange Juice Product * * * Enriched with Vitamins C and A Packed by California Suncrest Corp. Los Angeles, Calif. Distributed by Cooter, Kay, Stewart Co., Inc., San Francisco, Calif. * * * Contains: Orange Juice, Sugar, Citric Acid and Pure Orange Extractives."

RESULTS OF INVESTIGATION: Examination showed the article to be a mixture of sugar, citric acid, and orange juice.

LIBELED: 1-24-61, Dist. Ariz.

CHARGE: 402(b)(1)—when shipped, the valuable constituent, concentrated orange juice, had been in part omitted or abstracted from the article; 402(b)(2)—orange juice, sugar, and citric acid had been substituted in part for concentrated orange juice; and 403(a)—the label statement "Frozen Concentrated Orange Juice," and the vignette depicting two whole oranges and a glass of orange juice, were false and misleading as applied to a product which consisted of a mixture of orange juice, sugar and citric acid, and which when used in accordance with directions, would not result in a reconstituted orange juice.

DISPOSITION: 3-9-61. Default—delivered to charitable institutions.

VEGETABLES AND VEGETABLE PRODUCTS

27110. Canned green beans. (F.D.C. No. 45373. S. No. 10-288 R.)

QUANTITY: 31 cases, 24 1-lb. cans each, at Utica, N.Y.

SHIPPED: About 1954, from Oconomowoc, Wis.

LIBELED: 12-22-60, N. Dist. N.Y.

CHARGE: 402(a)(3)—contained a decomposed substance while held for sale.

DISPOSITION: 1-30-61. Default—destruction.

27111. Cannellini beans and wheat (2 seizure actions). (F.D.C. Nos. 45312, 45316. S. Nos. 53-391 R, 53-393 R.)

QUANTITY: 100 109-lb. bags of cannellini beans and 13 100-lb. bags of wheat at Boston, Mass.

SHIPPED: (Beans) 8-15-60, from Naples, Italy; (wheat) 5-3-60 and 9-26-60, from Fresno, Calif.

LIBELED: 12-29-60, Dist. Mass.

CHARGE: 402(a)(3)—contained rodent urine while held for sale.

DISPOSITION: 2-1-61. Consent—claimed by John Zedros, Inc., Boston, Mass. Segregated; 72 bags of cannellini beans and 11 bags of wheat destroyed.

27112. Lupini beans. (F.D.C. No. 45144. S. No. 41-966 R.)

QUANTITY: 439 110-lb. bags at Riverbank, Calif., in possession of Contadina Foods, Inc.

SHIPPED: Between 8-17-57 and 1-30-58, from Naples, Italy.

LIBELED: 11-18-60, N. Dist. Calif.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 1-19-61. Consent—claimed by Contadina Foods, Inc. Segregated; 339 bags destroyed.

27113. Dried pinto beans. (F.D.C. No. 45400. S. No. 67-310 R.)

QUANTITY: 16 100-lb. bags at Dallas, Tex., in possession of Schepps Cash & Carry.

SHIPPED: 8-20-60, from Brush, Colo.

LIBELED: On or about 1-25-61, N. Dist. Tex.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 3-10-61. Default—delivered to a public institution for use as animal feed.

27114. Soybeans. (F.D.C. No. 45285. S. No. 3-838 R.)

QUANTITY: 89,000 lbs. at Selma, N.C.

SHIPPED: 11-21-60, from Latta, S.C., by Pee Dee Gin Co.

LIBELED: 12-12-60, E. Dist. N.C.

CHARGE: 402(a)(1)—when shipped, the article contained a poisonous or deleterious substance, Crotalaria seeds, in a quantity which ordinarily would render the food injurious to health.

DISPOSITION: 1-4-61. Consent—claimed by Pee Dee Gin Co., and reconditioned to remove the Crotalaria seeds.

27115. Lettuce. (F.D.C. No. 45370. S. No. 26-502 R.)

QUANTITY: 600 ctns., 24 heads of lettuce each, at Milwaukee, Wis.

SHIPPED: 12-6-60, from Phoenix, Ariz., by Bodine Produce Co.

LABEL IN PART: (Ctn.) "Produce of USA Lettuce Mr. Big Head * * *
From Arizona and California Growers. Bodine Produce Company * * *
Phoenix, Arizona."

LIBELED: 12-16-60, E. Dist. Wis.

CHARGE: 402(a)(2)(B)—the article was a raw agricultural commodity and, when shipped, contained a pesticide chemical, namely, DDT, which was unsafe within the meaning of 408(a) since the quantity of such pesticide chemical on the article was not within the limits of the tolerance prescribed by regulations.

DISPOSITION: 12-22-60. Consent—destruction.

27116. Dill pickles. (F.D.C. No. 45167. S. No. 37-007 R.)

QUANTITY: 133 1-gal. cans at Hunlock Creek, Pa.

SHIPPED: 8-15-60, from Vineland, N.J., by Kane-Miller Corp.

LABEL IN PART: (Can) "Colony Brand Genuine Dill Pickles * * * Packed
by Colony Foods, Brooklyn, N.Y."

RESULTS OF INVESTIGATION: Inspection disclosed that Alliance Foods, Inc., Buena, N.J., was the firm which prepared the article.

LIBELED: 12-1-60, M. Dist. Pa.

CHARGE: 402(a)(3)—contained insects and insect parts; and 402(a)(4)—prepared under insanitary conditions.

DISPOSITION: 1-9-61. Default—destruction.

27117. Dill pickles. (F.D.C. No. 45165. S. No. 37-677 R.)

QUANTITY: 20 cases, 6 1-gal. jars each, at Scotland, Pa.

SHIPPED: 8-26-60 and 9-23-60, from Vineland, N.J., by Kane-Miller Corp.

LABEL IN PART: (Jar) "Colony Brand Genuine Dill Pickles * * * Packed by
Colony Foods, Brooklyn, N.Y. [or address of packer as "Vineland, N.J. King
George, Va."]."

RESULTS OF INVESTIGATION: Inspection disclosed that Alliance Foods, Inc., Buena, N.J., was the firm which prepared and packed the article.

LIBELED: 11-25-60, M. Dist. Pa.

CHARGE: 402(a)(3)—contained insects and insect fragments; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 12-27-60. Default—destruction.

27118. Dill pickles. (F.D.C. No. 45174. S. No. 37-655 R.)

QUANTITY: 87 1-gal. cans at Waymart, Pa.

SHIPPED: 8-16-60, from Yonkers, N.Y., by Kane-Miller Corp.

LABEL IN PART: (Can) "Colony Brand Genuine Dill Pickles * * * Packed by Colony Foods, Vineland, N.J. King George, Va."

RESULTS OF INVESTIGATION: Inspection disclosed that Alliance Foods, Inc., Buena, N.J., was the firm which prepared and packed the article.

LIBELED: 12-8-60, M. Dist. Pa.

CHARGE: 402(a)(3)—contained insects and insect parts; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 1-9-61. Default—destruction.

27119. Diced melons in salt brine. (F.D.C. No. 45344. S. No. 99-581 R.)

QUANTITY: 13 500-lb. drums at Everett, Mass.

SHIPPED: 11-17-60, from San Jose, Calif., by Valley View Packing Co.

LABEL IN PART: (Drum) "FROM CALIFORNIA ZUCCA MELON PRODUCTS PALERMO, CALIFORNIA ZUCCA MELON IN SALT BRINE GRADE $\frac{3}{8}$ INCH DICED * * * WHEN PACKED."

LIBELED: 1-9-61, Dist. Mass.

CHARGE: 402(a)(3)—contained insects and insect parts when shipped.

DISPOSITION: 2-27-61. Default—destruction.

NUTS

27120. Cashew nuts. (F.D.C. No. 45417. S. No. 28-279 R.)

QUANTITY: 45 25-lb. tins at Minneapolis, Minn.

SHIPPED: Between 12-20-60 and 1-4-61, from Oklahoma City, Okla., New York, N.Y., and Richmond, Va.

LIBELED: 2-8-61, Dist. Minn.

CHARGE: 402(a)(3)—contained insect-infested, rancid, and moldy nuts while held for sale.

DISPOSITION: 3-28-61. Default—converted into animal feed.

27121. Chestnuts. (F.D.C. No. 45282. S. No. 58-265 R.)

QUANTITY: 10 55-lb. cases at Forest Park, Ga.

SHIPPED: 10-18-60, from New York, N.Y.

LIBELED: 12-9-60, N. Dist. Ga.

CHARGE: 402(a)(3)—contained insect-infested and moldy nuts while held for sale.

DISPOSITION: 1-20-61. Default—destruction.

27122. Brazil nuts. (F.D.C. No. 45164. S. No. 15-440 R.)

QUANTITY: 72 ctns., 12 1-lb. bags each, at Cincinnati, Ohio.

SHIPPED: 10-29-60, from San Francisco, Calif.

LIBELED: 11-25-60, S. Dist. Ohio.

CHARGE: 402(a)(3)—contained moldy, shriveled nuts, and empty shells while held for sale.

DISPOSITION: 12-2-60. Consent—claimed by S & W Fine Foods, Inc., San Francisco, Calif. Segregated; 89 lbs. destroyed.

27123. Pinon nuts. (F.D.C. No. 45149. S. No. 49-649 R.)

QUANTITY: 3 100-lb. bags at Denver, Colo.

SHIPPED: 10-25-60, from El Paso, Tex.

LIBELED: 11-18-60, Dist. Colo.

CHARGE: 402(a)(3)—contained animal excreta while held for sale.

DISPOSITION: 1-25-61. Default—destruction.

27124. Unshelled almonds. (F.D.C. No. 45162. S. No. 40-188 R.)

QUANTITY: 94 cases, 24 1-lb. bags each, at St. Louis, Mo.

SHIPPED: 11-3-60, from Modesto, Calif.

LIBELED: 11-23-60, E. Dist. Mo.

CHARGE: 402(a)(3)—contained insect-damaged, moldy, and gummy nuts while held for sale.

DISPOSITION: 12-1-60. Consent—claimed by S & W Fine Foods, Inc., San Francisco, Calif. Segregated; 253 lbs. destroyed.

27125. Unshelled brazil nuts and unshelled almonds. (F.D.C. No. 45180. S. Nos. 49-181/82 R.)

QUANTITY: 8 112-lb. bags of brazil nuts and 3 100-lb. bags of almonds, at Grand Junction, Colo., in possession of Pacific Fruit & Produce Co.

SHIPPED: 10-8-60, from Los Angeles, Calif., by Pacific Fruit & Produce Co.

LIBELED: 12-13-60, Dist. Colo.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 2-13-61. Default—destruction.

27126. Unshelled brazil nuts. (F.D.C. No. 45184. S. No. 51-772 R.)

QUANTITY: 10 110-lb. bags at Salt Lake City, Utah.

SHIPPED: 10-27-60, from Los Angeles, Calif.

LIBELED: 12-19-60, Dist. Utah.

CHARGE: 402(a)(3)—contained moldy, rancid nuts, and empty shells while held for sale.

DISPOSITION: 2-13-61. Default—destruction.

27127. Unshelled pecans. (F.D.C. No. 45329. S. No. 12-743 R.)

QUANTITY: 280 bags, 37,332 lbs. total, at Chicago, Ill.

SHIPPED: 11-23-60, from Temple, Tex.

LIBELED: 1-3-61, N. Dist. Ill.

CHARGE: 402(a)(3)—contained insects, shriveled nuts, and empty shells while held for sale.

DISPOSITION: 2-14-61. Consent—claimed by Ricci & Co., Chicago, Ill. Segregated; 24,620 lbs. destroyed.

27128. Unshelled pecans. (F.D.C. No. 45371. S. No. 49-180 R.)

QUANTITY: 2 100-lb. bags at Grand Junction, Colo.

SHIPPED: 10-27-60, from Salt Lake City, Utah.

LIBELED: 12-20-60, Dist. Colo.

CHARGE: 402(a)(3)—contained insect-infested, rancid, moldy, and shriveled nuts while held for sale.

DISPOSITION: 2-13-61. Default—destruction.

27129. Unshelled pecans. (F.D.C. No. 45328. S. No. 12-732 R, 58-801 R.)

QUANTITY: 526 bags, 69,046 lbs. total, at Chicago, Ill.

SHIPPED: 11-11-60 and 11-21-60, from San Antonio, Tex.

LIBELED: 1-5-61, N. Dist. Ill.

CHARGE: 402(a)(3)—contained insect-infested, moldy, and shriveled nuts while held for sale.

DISPOSITION: 2-23-61. Consent—claimed by Ricci & Co., Chicago, Ill. Segregated; 46,780 lbs. destroyed.

27130. Unshelled pecans. (F.D.C. No. 45178. S. No. 26-645 R.)

QUANTITY: 55 45-lb. bags at Los Angeles, Calif.

SHIPPED: 11-18-60, from San Antonio, Tex.

LIBELED: 12-8-60, S. Dist. Calif.

CHARGE: 402(a)(3)—contained moldy nuts while held for sale.

DISPOSITION: 1-13-61. Consent—claimed by Sunshine Pecan Co., San Antonio, Tex. Segregated; 1,603 lbs. destroyed.

27131. Unshelled pecans. (F.D.C. No. 45158. S. No. 27-537 R.)

QUANTITY: 35 cases, 24 1-lb. bags each, at Hopkins, Minn.

SHIPPED: 11-6-59, from Chicago, Ill.

LIBELED: 11-28-60, Dist. Minn.

CHARGE: 402(a)(3)—contained moldy, decomposed nuts while held for sale.

DISPOSITION: 2-3-61. Default—converted into animal feed.

27132. Unshelled mixed nuts. (F.D.C. No. 45168. S. Nos. 8-444/5 R.)

QUANTITY: 89 cases, 24 1-lb. boxes each, of brazil nuts, and 169 cases, 24 1-lb. boxes each, of mixed nuts, at Pittsburgh, Pa.

SHIPPED: Between 10-7-60 and 10-25-60, from New York, N.Y.

LIBELED: 11-30-60 and 12-2-60, W. Dist. Pa.

CHARGE: 402(a)(3)—contained moldy, shriveled nuts, and empty shells while held for sale.

DISPOSITION: 1-31-61. Consent—claimed by Graham Co., Inc., New York, N.Y. Segregated; 79½ lbs. of mixed nuts denatured.

27133. Shelled Spanish peanuts. (F.D.C. No. 45402. S. No. 67-244 R.)

QUANTITY: 500 100-lb. bags at Fort Worth, Tex., in possession of Kimbell Food Products Co.

SHIPPED: 12-6-60, from Durant, Okla.

LIBELED: 1-31-61, N. Dist. Tex.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 1-31-61. Consent—claimed by Kimbell Milling Co., t/a Kimbell Food Products Co. Segregated; 4,340 lbs. destroyed.

27134. Shelled Spanish peanuts and pink beans. (F.D.C. No. 45490. S. Nos. 53-519/20 R.)

QUANTITY: 357 60-lb. bags of peanuts and 5 100-lb. bags of pink beans at Boston, Mass., in possession of Pemberton Stores.

SHIPPED: 11-17-60, from Oglethorpe, Ga., and Oxnard, Calif.

LIBELED: 2-23-61, Dist. Mass.

CHARGE: 402(a)(3)—contained bird excreta; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 3-23-61. Consent—claimed by Northern Terminals, Inc., Boston, Mass. Segregated; 28 bags of peanuts and 5 bags of beans destroyed.

27135. Shelled walnuts. (F.D.C. No. 45183. S. No. 15-297 R.)

QUANTITY: 3 55-lb. cases at Cincinnati, Ohio.

SHIPPED: 10-13-60, from New York, N.Y.

LIBELED: 12-9-60, S. Dist. Ohio.

CHARGE: 402(a)(3)—contained insects and insect excreta while held for sale.

DISPOSITION: 12-29-60. Default—delivered to a public institution for use as animal feed.

OLEOMARGARINE**27136. Oleomargarine.** (F.D.C. No. 44316. S. Nos. 60-173 P, 60-193 P.)

INFORMATION FILED: 5-12-60, Dist. Md., against Norman Moravetz, alias Norman Martin, Baltimore, Md.

ALLEGED VIOLATION: On 9-30-59 and 10-15-59, the defendant unlawfully sold and introduced into interstate commerce at Baltimore, Md., a number of packages which contained colored margarine.

LABEL IN PART: (Pkg.) "Fine Daisy Bloom Creamery Butter."

RESULTS OF INVESTIGATION: Analysis showed that the article labeled "Butter" was in fact colored margarine.

CHARGE: 402(b)(1)—butter, which the article purported to be, had been omitted therefrom; 402(b)(2)—colored margarine had been substituted for butter; 403(a)—the statement "Creamery Butter" which appeared on the label was false and misleading; 403(b)—the colored margarine was offered for sale under the name of another food; 403(e)(1)—the label failed to bear the name and place of business of the manufacturer, packer, or distributor; and 407(b)(3)—the label of the article failed to bear (A) the word "oleomargarine" or "margarine," and (B) a full and accurate statement of all the ingredients contained in the margarine.

PLEA: Nolo contendere.

DISPOSITION: 1-27-61. Fine of \$100, plus costs.

27137. Oleomargarine. (F.D.C. No. 44636. S. Nos. 90-664 P, 90-667/8 P.)

INFORMATION FILED: 9-6-60, Dist. R.I., against Barney M. Gordon, t/a Gordon's Meat Market, Central Falls, R.I.

ALLEGED VIOLATION: On 2-4-60, the defendant unlawfully sold and offered for sale a number of 1-lb. prints of colored oleomargarine or colored margarine.

CHARGE: 407(b)(1)—the colored margarine or colored oleomargarine was not packaged; and 407(b)(3)—the label of the article failed to bear (A) the word "oleomargarine" or "margarine"; and (B) a full and accurate statement of all the ingredients contained in such colored oleomargarine or margarine.

PLEA: Guilty.

DISPOSITION: 2-3-61. 1 year's probation.

SPICES, FLAVORS, AND SEASONING MATERIALS

27138. Garlic. (F.D.C. No. 45354. S. Nos. 67-230/1 R.)

QUANTITY: 633 30-lb. crates at New York, N.Y.

SHIPPED: 1-10-61, from Dallas, Tex.

LIBELED: 1-19-61, S. Dist. N.Y.

CHARGE: 402(a)(3)—contained live insects and insect parts, and moldy garlic while held for sale.

DISPOSITION: 3-2-61. Default—destruction.

27139. Garlic. (F.D.C. No. 45391. S. No. 67-229 R.)

QUANTITY: 281 50-lb. bags at Dallas, Tex.

SHIPPED: 10-17-60, from Watsonville, Calif.

LIBELED: 1-25-61, N. Dist. Tex.

CHARGE: 402(a)(3)—contained insects and insect parts, and moldy garlic while held for sale.

DISPOSITION: 3-10-61. Default—destruction.

27140. Sage leaves. (F.D.C. No. 45000. S. No. 32-444 R.)

QUANTITY: 72 100-lb. bags at Hoboken, N.J., in possession of Hoboken Dock Stores, Inc.

SHIPPED: 1-5-59, from Albania.

LIBELED: 10-6-60, Dist. N.J.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 12-22-60. Consent—claimed by Sokol & Co., Chicago, Ill. Segregated; 50 lbs. destroyed.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

27141. Vitamin tablets. (F.D.C. No. 44866. S. Nos. 15-909/11 R.)

QUANTITY: 3 drums, containing a total of 70,000 tablets, 225 100-tablet btl., and 216 30-tablet btl., at Evansville, Ind., in possession of Robert L. Elliott, t/a Elliott Laboratories.

SHIPPED: The tablets were shipped in bulk drums on 10-10-58, from Long Island City, N.Y.

LABEL IN PART: (Drum) "Special Formula C.F. 5726 Lot. No. 39821 * * * Each Tablet * * * Contains: 50 mg. Ascorbic acid 1 mg. Thiamine chloride 0.1 mg. Pyridoxine HCl. 10 mcg. Vitamin B-12 USP 0.1% Trituration 5000 U Vitamin A Palmitate 1000 U Vitamin D Crystals" and (btl.) "Appetite Vitamins APETITES Chewed Like Candy * * * Tastes Like Candy * * * Distributed by Elliott Laboratories 4712 Stratford Road, Evansville, Indiana Each tablet contains: * * * Vitamin B-12 USP 10 mcg."

RESULTS OF INVESTIGATION: The tablets in the bottles were repacked by the dealer from the bulk stock shipped as described above, and relabeled.

Examination showed that the article contained about 50 percent of the declared amount of Vitamin B₁₂.

LIBELED: 8-29-60, S. Dist. Ind.

CHARGE: 402(b)(1)—while held for sale, the valuable constituent, vitamin B₁₂, had been in part omitted or abstracted from the article; 403(a)—the label statements (drum) "10 mcg. Vitamin B-12 USP" and (btl.) "Vitamin B-12 USP 10 mcg." were false and misleading; 403(a)—the label statements (btl.) "Tastes Like Candy," "Chewed Like Candy," and "Apetites Candy Tablets," were misleading, since they suggested and implied that the article was confectionery, whereas, the article was a food for special dietary use and was not confectionery; and 403(a)—the bottle label contained false and misleading representations that the article was adequate and effective to stimulate the appetite in children and adults.

DISPOSITION: 12-1-60. Default—destruction.

27142. Vitamin tablets. (F.D.C. No. 45063. S. No. 29-646 R.)

QUANTITY: 97 cases, 12 100-tablet btls. each, 16 cases, 6 250-tablet btls. each, and 21 cases, 12 50-tablet btls. each, at St. Paul, Minn., in possession of Vitamin Council, Inc.

SHIPPED: The tablets were shipped in bulk on 8-10-60 and 8-19-60, from St. Louis, Mo.

RESULTS OF INVESTIGATION: The article in the bottles was received in bulk form and repacked and labeled by the dealer. Examination showed that the article contained approximately 78 percent of the declared amount of vitamin B₁₂.

LIBELED: 11-1-60, Dist. Minn.

CHARGE: 402(b)(1)—while held for sale, the valuable constituent, vitamin B₁₂, had been in part omitted or abstracted from the article; 403(a)—the label statement "Vitamin B-12 Activity * * * 5 mcg." was false and misleading; 403(a)—the label statement "Geriatric Multi-Vitamins Supplemented with 150 mg. Toleron Trace Minerals and 5 mcg. Vitamin B-12," was false and misleading since it suggested and implied that the nutritional requirements of people of old age are different from adults generally since the article also contained ingredients additional to vitamins, minerals, or vitamin B₁₂, and since the term "Toleron" in the setting in which it was used, was meaningless as a designation for any ingredient; and 403(a)—the label statements "Desiccated Liver NF * * * Dried Debittered Yeast * * * The need in human nutrition is established, but MDAR not determined," and "Mag-

nesium * * * 0.72 mg. * * * The need in human nutrition has not been established," were false and misleading since they were contrary to fact.

DISPOSITION: 12-30-60. Default—destruction.

27143. Vitamins and minerals. (F.D.C. No. 44985. S. No. 35-985 R.)

QUANTITY: 28 ctns., 896 lbs. total, at Brooklyn, N.Y.

SHIPPED: The article was delivered, on 8-30-60, to a ship pier at Brooklyn, N.Y., for shipment to Iceland.

RESULTS OF INVESTIGATION: Inspection showed that the article had been submerged in polluted river water. The contamination occurred as a result of a storm on 9-13-60, which flooded the pier at Brooklyn, N.Y., where the article was stored.

LIBELED: 10-13-60, E. Dist. N.Y.

CHARGE: 402(a)(4)—held under insanitary conditions while in interstate commerce.

DISPOSITION: 1-18-61. Default—destruction.

27144. Vitamin capsules. (F.D.C. No. 45061. S. No. 35-928 R.)

QUANTITY: 13 1,000-capsule btls., and 272 100-capsule btls., at Oyster Bay, Long Island, N.Y.

SHIPPED: Prior to 8-17-60, from Cedar Rapids, Iowa.

RESULTS OF INVESTIGATION: Examination showed that the article contained less than 40 percent of the declared amount of vitamin D.

LIBELED: 11-7-60, E. Dist. N.Y.

CHARGE: 402(b)(1)—while held for sale, the valuable constituent, vitamin D, had been in part omitted or abstracted from the article; 403(a)—the label statement "Vit. D. (Calciferol) 1000 Units" was false and misleading; and the label statement "Each capsule supplies the following percentages of the minimum daily requirement * * * Vitamin B₆ 166%" was false and misleading since the minimum daily requirement for vitamin B₆ has not been established.

DISPOSITION: 2-8-61. Default—destruction.

27145. Vi-Cal-Nate capsules. (F.D.C. No. 44614. S. No. 6-378 R.)

QUANTITY: 466 100-capsule btls. at Hartford, Conn.

SHIPPED: Some time in 1955, from Worcester, Mass., by Brewer & Co.

LABEL IN PART: (Btl.) "Vi-Cal-Nate -Therland- Improved."

RESULTS OF INVESTIGATION: Examination showed that the article contained approximately 69 percent of the declared amount of vitamin A and 75 percent of the declared amount of vitamin C.

LIBELED: 6-17-60, Dist. Conn.

CHARGE: 402(b)(1)—while held for sale, the valuable constituents, vitamin A and vitamin C, had been in part omitted or abstracted from the article; and 403(a)—the label statement "Each capsule contains: Vitamin A 5000 USP Units * * * Vitamin C 37.5 mg." was false and misleading.

403(a)—when shipped, the label statement "The MDR* for the rest has not been determined" with reference to the iron and calcium in the article, was false and misleading since it was contrary to fact; and 403(j)—the article purported to be and was represented as a food for special dietary

uses by reason of its mineral content, and its label failed to bear, as required by regulations, statements of the proportion of the minimum daily requirement for calcium and iron supplied by the article when consumed in a specified quantity during the period of one day.

DISPOSITION: 3-16-61. Default—destruction.

27146. Vi-B-Cee-Plus capsules, Fer-B-Cee-Plus tablets, and Vimeral-Prenatal capsules. (F.D.C. No. 44615. S. Nos. 6-996/8 R.)

QUANTITY: 76 50-capsule btls. of Vi-B-Cee-Plus capsules; 47 100-capsule btls. of Fer-B-Cee-Plus tablets; and 89 100-capsule btls. of Vimeral-Prenatal capsules, at Hamden, Conn.

SHIPPED: Richlyn Laboratories shipped the Vi-B-Cee-Plus capsules and Fer-B-Cee-Plus tablets from Philadelphia, Pa., subsequent to January 1959; and Lustgarten Laboratories, Inc., shipped the Vimeral-Prenatal capsules from Philadelphia, Pa., on 4-6-60.

LABEL IN PART: (Btl.) "Vi-B-Cee-Plus * * * Vitamins-Minerals and Lipoids [or "Fer-B-Cee-Plus" or "Vimeral-Prenatal"] * * * Distributed by New England Pharmaceutical Co. Hamden, Conn."

LIBELED: 6-17-60, Dist. Conn.

CHARGE: Vi-B-Cee-Plus capsules, 403(a)—when shipped, the article contained a representation and suggestion that the article was a source of lipoids for special dietary use, which representation and suggestion was false and misleading since the article contained no lipid ingredient; and 403(j)—the article purported to be and was represented as a food for special dietary use by reason of its vitamin and mineral content and its label failed to bear, as the regulations require, a statement of the proportion of the minimum daily requirement of vitamin B₁, vitamin B₂, vitamin C, niacinamide, and iron supplied by the article when consumed in a specified quantity during a period of one day; and also the statement "The need for calcium pantothenate and choline in human nutrition has not been established."

Fer-B-Cee-Plus tablets, 403(a)—when shipped, the label statement "A well balanced vitamin and mineral food supplement specially designed for the dietary needs of older persons and convalescents" was false and misleading since the article was not balanced and the label represented and suggested, contrary to fact, that the dietary needs of older persons are different from those of adults generally, and that all of the ingredients in the article would promote convalescence; and 403(j)—the article purported to be and was represented as a food for special dietary uses by reason of its vitamin and mineral content, and its label failed to bear, as the regulations require, a statement of the proportion of the minimum daily requirement for vitamin A, vitamin B₁, vitamin B₂, niacinamide, vitamin C, vitamin D, calcium, iron, and iodine supplied by the article when consumed in a specified quantity during a period of one day; and also the statement "The need for calcium pantothenate, choline, inositol, cobalt, manganese, zinc, and molybdenum in human nutrition has not been established."

Vimeral-Prenatal capsules, 403(a)—when shipped, the label statements "Hesperidin Complex 100 mg.*," "Calcium Pantothenate 1.0 mg." and "*Recommended daily requirement not established" were false and misleading since such statements suggested and implied that hesperidin complex, and calcium pantothenate were essential in human nutrition, whereas, the need for hesperidin complex and calcium pantothenate in human nutrition has not been

established; and the label statement "2 Capsules 3 times daily provide the minimum daily requirement or more of vitamins * * * during pregnancy as recommended by The Food and Nutrition Board of the National Research Council" was false and misleading since the article contained 20 times the minimum daily requirement for ascorbic acid, 3 times the minimum daily requirement for vitamin D, over 7 times the minimum daily requirement for thiamine mononitrate, over 3 times the minimum daily requirement for riboflavin, and 3 times the minimum daily requirement for nicotinamide; and since such statement suggested and implied, contrary to fact, that the article was recommended by the Food and Nutrition Board of the National Research Council; and 403(j)—the article purported to be and was represented as a food for special dietary uses by reason of its vitamin and mineral content, and its label failed to bear, as required by regulations, the statement "The Need for calcium pantothenate in human nutrition has not been established," and a statement of the proportion of the minimum daily requirement for iodine supplied by the article when consumed in a specified quantity during the period of one day.

DISPOSITION: 3-22-61. Default—destruction.

27147. Loma Linda Soyalaac. (F.D.C. No. 45341. S. No. 16-810 R.)

QUANTITY: 27 cases, 12 17.2-oz. cans each, at Louisville, Ky.

SHIPPED: 9-20-60 and 10-20-60, from Mount Vernon, Ohio, by Loma Linda Food Co.

LABEL IN PART: (Can) "Loma Linda Soyalaac Concentrated Liquid Hypoallergenic For Infants Children and Adults."

LIBELED: 1-6-61, W. Dist. Ky.

CHARGE: 403(j)—when shipped, the article purported to be and was represented as a food for special dietary uses by reason of its use as a food for infants and by reason of the decrease or absence of any allergenic property, and its label failed to bear, as required by regulations, (a) a statement of the percent by weight of crude fiber contained in such food; and (b) a statement of the number of available calories and of U.S.P. units of vitamin B₁ (thiamine) and vitamin C (ascorbic acid) supplied by a specified quantity of such food; and its label also failed to bear, as required by regulations, the quantity or proportion of each ingredient contained in the article.

DISPOSITION: 3-13-61. Default—delivered to a charitable institution.

MISCELLANEOUS FOODS

27148. Pie filling. (F.D.C. No. 45017. S. No. 36-046 R.)

QUANTITY: 45 ctns., 12 1-lb. 5-oz. cans each, at Brooklyn, N.Y.

SHIPPED: The article was delivered, on 8-17-60, to a ship pier at Brooklyn, N.Y., for shipment to Malaya.

RESULTS OF INVESTIGATION: Inspection showed that the article had been submerged in polluted river water. The contamination occurred as a result of a storm on 9-13-60, which flooded the pier at Brooklyn, N.Y., where the article was stored.

LIBELED: 11-30-60, E. Dist. N.Y.

CHARGE: 402(a)(4)—held under insanitary conditions while in interstate commerce.

DISPOSITION: 2-9-61. Default—destruction.

27149. Raspberry filling. (F.D.C. No. 45310. S. No. 8-258 R.)

QUANTITY: 25 40-lb. cans at Portland, Maine.

SHIPPED: Between 11-2-60 and 11-16-50, from Boston, Mass., by H. A. Johnson Co.

LABEL IN PART: (Can) “Johnson’s Bestovall Special Raspberry Filling * * *
Contains: Sugar Syrup, Raspberries, Evaporated Peaches, Pectin, Raspberry Seeds, Synthetic Vegetable Gum, Carageenin, Citric Acid, Sodium Citrate.
Manufactured by H. A. Johnson Co., Boston, Mass., Mt. Vernon, N.Y.”

LIBELED: 12-27-60, Dist. Maine.

CHARGE: 402(b)(4)—when shipped, naked raspberry seeds had been added to the article or mixed or packed therewith so as to make it appear better or of greater value than it was; 403(a)—the name “Raspberry Filling” was false and misleading as applied to a product containing added raspberry seeds and substantial amounts of evaporated peaches; and 403(i)(2)—the article was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient, since the term “synthetic vegetable gum” was not the common or usual name of an ingredient.

DISPOSITION: 1-10-61. Default—delivered to a public institution.

27150. Nitrate of soda. (F.D.C. No. 45340. S. No. 4-995 R.)

QUANTITY: 15 100-lb. bags at Baltimore, Md.

SHIPPED: 4-12-60 and 4-19-60, from Reading, Pa., by Textile Chemical Co.

LABEL IN PART: (Bag) “Arcadian American Nitrate of Soda * * * Allied Chemical Nitrogen Division, Hopewell, Virginia.”

LIBELED: 1-10-61, Dist. Md.

CHARGE: 402(a)(3)—contained insects, rust of unknown origin, and non-descript foreign matter when shipped.

DISPOSITION: 2-2-61. Default—destruction.

INDEX TO NOTICES OF JUDGMENT F.N.J. NOS. 27051 TO 27150

PRODUCTS

	N.J. No.		N.J. No.
Almonds, unshelled-----	27124, 27125	Candy. See Confectionery.	
Apples, evaporated-----	27105	malted milk balls-----	27086
Bakery products-----	27051, 27052	suckers -----	27085
Barley, malting-----	27068	Cannellini beans-----	27111
-kaffir seed mixture-----	27069	Cashew nuts-----	27120
Beans, cannellini-----	27111	Cereals and cereal products----	27051-
green, canned-----	27110		27083
lupini -----	27112	Cheese, cheddar----- ¹	27096
pinto, dried-----	27113	grated -----	27097
Blackberry juice, canned-----	27108	Chestnuts -----	27121
Brazil nuts-----	27122	Chocolate-coated peanuts-----	27084
unshelled-----	27125, 27126	Confectionery-----	27085-27089
Butter -----	27093-27095	Cookies. See Bakery products.	

¹ (27076, 27096) Injunction issued.

	N.J. No.		N.J. No.
Corn flakes	27066	Nuts	27120-27135
cracked	27101	Oats	¹ 27076
Cornmeal	27065	Oleomargarine	27136, 27137
Cranberry sauce	27103, 27104	Orange juice, frozen, concen-	
Cruller mix	27061	trated	27109
Dairy products	27093-27097	Pastry flour, enriched	27057
Dates	27106, 27107	Peanuts, chocolate-coated	27084
Dough mix, sweet	27061	Spanish, shelled	27133, 27134
Eggs, frozen	27098-27100	Pecans, unshelled	27127-27131
Feeds and grains	27101, 27102	Pickles, dill	27116-27118
Fer-B-Cee-Plus tablets	27146	Pie filling	27148
Flour	27053-27061, 27067	Pinon nuts	27123
pastry, enriched	27057	Pinto beans, dried	27113
Fruitcakes	27052	Popcorn, unpopped	27070-27072
Fruits and vegetables	27103-27119	Raisins	27072
fruit, canned	27103, 27104	Raspberry filling	27149
dried	27105-27107	Rice	27073-27075
miscellaneous fruit prod-		Sage leaves	27140
ucts	27108, 27109	Sirups, sorghum	27090
vegetables and vegetable prod-		ice cream	27091
ucts	27110-27119	Soda, nitrate of	27150
Garlic	27138, 27139	Sorghum sirup	27090
Grains. <i>See</i> Feeds and grains.		Soybeans	27114
Grits	27067	Spaghetti. <i>See</i> Macaroni and	
Ice cream sirups	27091	noodle products.	
Lasagna	27063	Spices, flavors, and seasoning	
Lettuce	27115	materials	27138-27140
Liquor candies	27087	Sugar	27092
Loma Linda Soyolac	27147	Vi-B-Cee-Plus capsules	27146
Lupini beans	27112	Vi-Cal-Nate capsules	27145
Macaroni and noodle products	27062-	Vimeral-Prenatal capsules	27146
and cheese	27063	Vitamin, mineral, and other	
Marshmallows	27089	products of special dietary	
Melons, diced, in salt brine	27119	significance	27141-27147
Mix, cruller	27061	Walnuts, shelled	27135
sweet dough	27061	Wheat	¹ 27076
Noodles. <i>See</i> Macaroni and		cracked	27102
noodle products.		germ	27083

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N.J. No.		N.J. No.
A & C Candy Co.:		April, Morris, Bros.:	
chocolate-coated peanuts	27084	cranberry sauce	27104
Alliance Foods, Inc.:		Armeno Cereal Co., Inc.:	
dill pickles	27116-27118	cracked wheat	27102
Allied Chemical, Nitrogen Div.:		Associated Grocers Cooperative	
nitrate of soda	27150	of New Mexico, Inc.:	
Alma Canning Co.:		flour	27053
canned spaghetti	27064		

¹ (27076, 27096) Injunction issued.

	N.J. No.		N.J. No.
Beckham Candy Co.:		Garland Mills, Inc.:	
candy suckers-----	27085	enriched pastry flour-----	27057
Black, Robert A., Co., Inc.:		Gordon, B. M.:	
evaporated apples-----	27105	oleomargarine -----	27137
Bodine Produce Co.:		Gordon's Meat Market. <i>See</i> Gor-	
lettuce -----	27115	don, B. M.	
Brewer & Co.:		Helmers, C. J.:	
~Vi-Cal-Nate capsules-----	27145	flour -----	27056
Brunetto Economou Cheese		Helmers, Henry, Grocery Co.:	
Corp.:		flour -----	27056
grated cheese-----	27097	Hilda's Specialties:	
California Suncrest Corp.:		cookies -----	27051
frozen concentrated orange		Hoboken Dock Stores, Inc.:	
juice -----	27109	sage leaves-----	27140
Capitol Cake Co., Inc.:		Johnson, H. A., Co.:	
fruitcakes -----	27052	raspberry filling-----	27149
Cole, H. C., Milling Co.:		Kane-Miller Corp.:	
flour -----	27055	dill pickles-----	27116-27118
Colony Foods:		Kimbell Food Products Co.:	
dill pickles-----	27116-27118	shelled Spanish peanuts-----	27133
Comet Rice Mills:		Lanier Bros.:	
rice -----	27074	grits and flour-----	27067
Consolidated Badger		Litehiser, G. R.:	
Cooperative:		wheat, oats, and other grains	
butter -----	27095	for human consumption----- ¹	27076
Consolidated Foods Corporation:		Litehiser Grain & Fuel Co. <i>See</i>	
cranberry sauce-----	27104	Litehiser, G. R.	
Contadina Foods, Inc.:		Livingston, W. A., Inc.:	
lupini beans-----	27112	rice -----	27073
Cooter, Kay, Stewart Co., Inc.:		Loma Linda Food Co.:	
frozen concentrated orange		Loma Linda Soyolac-----	27147
juice -----	27109	Lummis & Co.:	
Dakota Cheese Co.:		chocolate-coated peanuts-----	27084
cheddar cheese----- ¹	27096	Lustgarten Laboratories, Inc.:	
Dansville Farm Supply:		Vimeral-Prenatal capsules-----	27146
wheat -----	27078	Malone & Hyde, Inc.:	
De Martini Macaroni Co., Inc.:		flour -----	27060
macaroni -----	27062	Martin, Norman. <i>See</i> Moravetz,	
Deran Confectionery Co., Inc.:		Norman.	
candy -----	27088	Mermentau Rice Mill Co., Inc.:	
Dorman, Alfred, Co.:		rice -----	27075
flour -----	27058	Mersmann, Bernard:	
Elliott, R. L.:		flour -----	27056
vitamin tablets-----	27141	Meyer, L.:	
Elliott Laboratories. <i>See</i> El-		frozen eggs-----	27098
liott, R. L.		Michigan Elevator Exchange:	
Farmers Union Grain Terminal		wheat -----	27081
Association:			
wheat -----	27079, 27082		

¹ (27076, 27096) Injunction issued.

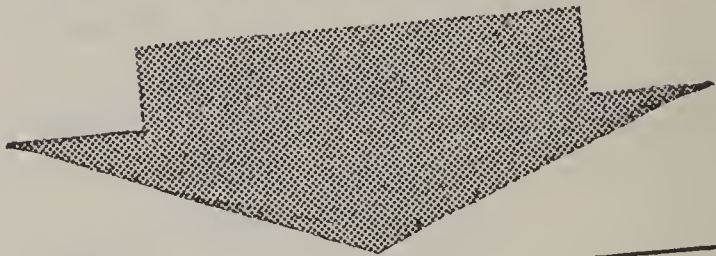
	N.J. No.		N.J. No.
Minute Maid Corp.:		Richlyn Laboratories:	
frozen concentrated orange		Vi-B-Cee-Plus capsules and	
juice -----	27109	Fer-B-Cee-Plus tablets-----	27146
Modern Egg Products, Inc.:		Rymer, Barry:	
frozen eggs-----	27098	frozen eggs-----	27098
Moravetz, Norman:		Schepps Cash & Carry:	
oleomargarine -----	27136	dried pinto beans-----	27113
National Cranberry Association:		Slocum Co.:	
cranberry sauce-----	27103	sugar -----	27092
Nebraska Consolidated Mills Co.:		Sterling Sales Co., Inc.:	
flour -----	27057	rice -----	27075
New England Pharmaceutical		Textile Chemical Co.:	
Co.:		nitrate of soda-----	27150
Vi-B-Cee-Plus capsules, Fer-B-		Valley View Packing Co.:	
Cee-Plus tablets, and Vi-		diced melons in salt brine----	27119
meral-Prenatal capsules----	27146	Vevco Foods, Inc.:	
Norris, H., Syrup Co.:		canned spaghetti-----	27064
sorghum sirup-----	27090	Vio Bin Corp.:	
Occident Elevator Co.:		flour -----	27054
wheat -----	27077	wheat germ-----	27083
Pacific Fruit & Produce Co.:		Vitamin Council, Inc.:	
unshelled brazil nuts and un-		vitamin tablets-----	27142
shelled almonds-----	27125	Weaver's Quality Egg, Inc.:	
Pee Dee Gin Co.:		frozen eggs-----	27099
soybeans -----	27114	Western Warehouse Co.:	
Pemberton Stores:		wheat -----	27080
shelled Spanish peanuts and		Wilson Grain Co.:	
pink beans-----	27134	barley-kaffir seed mixture----	27069
Pine Ridge Syrup Co.:		Winema Elevators, Inc.:	
sorghum sirup-----	27090	malting barley-----	27068
Ray's Bean Co.:		Wolff, R. C., Sales Co.:	
unpopped popcorn and raisins_	27072	fruitcakes -----	27052
Reinhart's:		Zedros, John, Inc.:	
liquor candies-----	27087	grated cheese-----	27097
Richardson, R. R.:			
cheddar cheese----- ¹	27096		

¹(27076, 27096) Injunction issued.

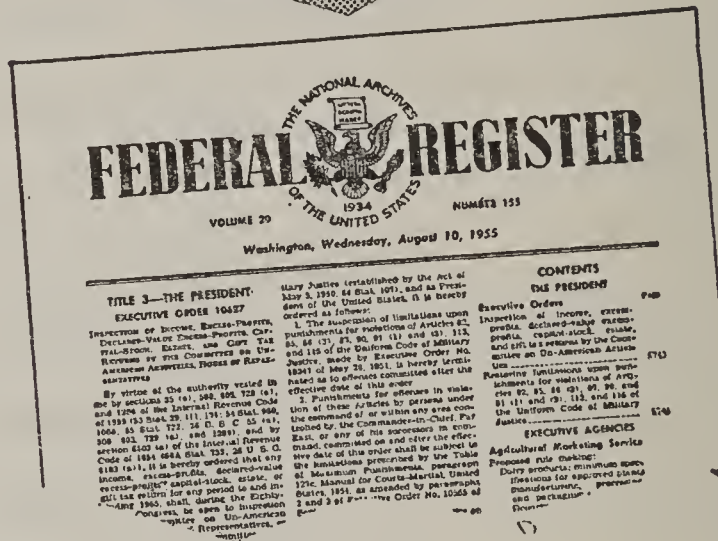
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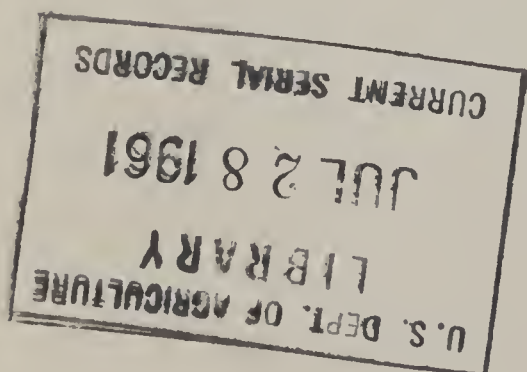
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U.S. Department of Health, Education, and Welfare
FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,
DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

27151-27250

FOODS

The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were adulterated or misbranded within the meaning of the Act when introduced into and while in interstate commerce, or while held for sale after shipment in interstate commerce. These cases involve (1) seizure proceedings in which decrees of condemnation were entered by default, or by consent; and (2) criminal proceedings which were terminated upon pleas of guilty or nolo contendere. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal proceedings are against the *firms* or *individuals* charged to be responsible for violations.

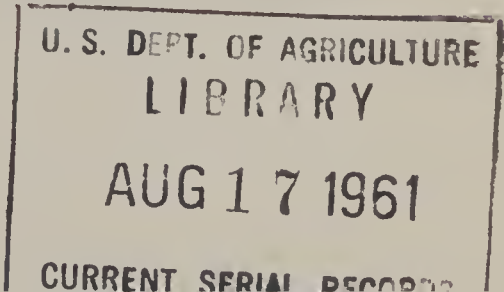
Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D.C., *July 28, 1961.*

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**SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS
REPORTED IN F.N.J. NOS. 27151-27250**

Adulteration, Section 402(a)(1), the article contained a poisonous or deleterious substance which may render it injurious to health; Section 402(a)(2)(A), the article contained an added poisonous and deleterious substance which is unsafe within the meaning of Section 406; Section 402(a)(2)(B), the article was a raw agricultural commodity and contained a pesticide chemical which was unsafe within the meaning of Section 408; Section 402(a)(3), the article consisted in part of a filthy or decomposed substance, or it was otherwise unfit for food; Section 402(a)(4), the article had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth; Section 402(b)(1), a valuable constituent had been in whole or in part omitted or abstracted from the article; Section 402(b)(2), a substance had been substituted in whole or in part for the article; Section 406, a poisonous or deleterious substance was added to food when such substance was not required in the production thereof and could have been avoided by good manufacturing practice; and Section 408(a), a poisonous or deleterious pesticide chemical had been added to a raw agricultural commodity, and no tolerance or exemption from the requirement of a tolerance had been prescribed by the Secretary of Health, Education, and Welfare, or such tolerance had been prescribed and the quantity of such pesticide chemical was in excess of the tolerance.

Misbranding, Section 403(a), the labeling of the article was false and misleading; Section 403(e)(2), the article was in package form and it failed to bear a label containing an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; Section 403(g), the article purported to be and was represented as a food for which a definition and standard of identity had been prescribed by regulations and (1) it failed to conform to such definition and standard, and (2) its label failed to bear the name of the food as specified in the definition and standard, and the name of the optional packing medium present in the food; Section 403(h)(1), the article purported to be and was represented as a food for which a standard of quality had been prescribed by regulations and it fell below such standard and its label failed to bear a statement that it fell below such standard; Section 403(h)(2), the article purported to be and was represented as a food for which a standard of fill of container had been prescribed by regulations and it fell below such standard and its label failed to bear a statement that it fell below such standard; and Section 403(k), the article contained a chemical preservative and its label failed to state that fact.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

27151. Rolls and enriched bread. (F.D.C. No. 44649. S. Nos. 69-758/9 P.)

INFORMATION FILED: 8-16-60, E. Dist. Pa., against Earo's Imperial Baking Co., a partnership, Chester, Pa., and John Earo, James O. Di Domenicis, and Dominick P. Di Domenicis, partners in the partnership.

SHIPPED: 12-17-59, from Chester, Pa., to Claymont, Del.

LABEL IN PART: (Bag) "EARO'S TASTY BREAD & ROLLS FRESH DAILY
EARO'S IMPERIAL BAKING CO. CHESTER, PA." and "Earo's Enriched
ITALIAN BREAD."

CHARGE: 402(a)(3)—the rolls contained insect fragments: 402(a)(4)—the rolls had been prepared under insanitary conditions; and 403(a)—the statements on the label of the bread, "Enriched * * * One half pound (about 8 slices) of this bread supplies you with at least the following amounts or percentages of your minimum daily requirement for these essential food substances: Thiamine (Vitamin B-1) 55%, Riboflavin (Vitamin B-2) 17.5%, Niacin (Another "B" Vitamin) 5 Milligrams, Iron 40%, were false and misleading since the bread was not enriched and contained less than the stated amounts of thiamine, riboflavin, and niacin.

PLEA: Nolo contendere.

DISPOSITION: 12-6-60 and 1-13-61. The court suspended the imposition of sentence against the partnership, and fined each individual \$1,000. The court also imposed a sentence of 3 months imprisonment against John Earo, which was suspended, and placed him on probation for 5 years; and imposed sentences of 30 days imprisonment against James O. Di Domenicis and Dominick P. Di Domenicis, which were to be served.

27152. Fruitcakes. (F.D.C. No. 45422. S. No. 13-079 R.)

QUANTITY: 164 boxes at Milwaukee, Wis.

SHIPPED: Between 12-14-60 and 12-23-60, from Anacortes, Wash., by Sarah Lingwood's.

LABEL IN PART: (Box) "Net Wt. 18 Ounces Sarah Lingwood's Carolina Fruit Cakes 12 individual cakes * * * Sarah Lingwood * * * Anacortes, Washington."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 2-10-61, E. Dist. Wis.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: 3-3-61. Default—delivery to a public institution.

FLOUR

27153. Flour. (F.D.C. No. 45380. S. No. 24-266 R.)

QUANTITY: 217 50-lb. bags at Omaha, Nebr., in possession of Merchants Wholesale Grocery Co.

SHIPPED: Between 8-8-60 and 9-20-60, from Wichita, Kans.

LIBELED: 1-3-61, Dist. Nebr.

CHARGE: 402(a)(3)—contained insects; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 1-27-61. Consent—destruction by delivery to a State institution for use as animal feed.

27154. Flour. (F.D.C. No. 44936. S. Nos. 4-287/9 R.)

INFORMATION FILED: 1-13-61, W. Dist. Va., against Keystone Mill, Inc., South Boston, Va.

SHIPPED: Between 4-22-60 and 6-2-60, from Virginia to North Carolina.

LABEL IN PART: (Bag) "10 LBS. [or "5 LBS."] NET WT. SELF-RISING KEYSTONE FLOUR Manufactured by KEYSTONE MILL, INC. SOUTH BOSTON, VIRGINIA."

CHARGE: 402(a)(4)—the article had been prepared in an insect-infested mill under conditions whereby it may have become contaminated with filth.

PLEA: Guilty.

DISPOSITION: 2-13-61. \$250 fine.

27155. Flour. (F.D.C. No. 45411. S. Nos. 53-138/9 R.)

QUANTITY: 235 100-lb. bags at South Amana, Iowa, in possession of Amana Society Bakery.

SHIPPED: 12-29-60, from Denver, Colo.

LIBELED: 2-2-61, N. Dist. Iowa.

CHARGE: 402(a)(3)—contained insects and rodent excreta pellets; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 3-22-61. Default—destruction.

27156. Flour. (F.D.C. No. 44947. S. Nos. 3-292/5 R, 3-299/300 R, 3-940/1 R.)

INFORMATION FILED: 1-13-61, W. Dist. Va., against Halifax Roller Mills, a partnership, Halifax, Va.

SHIPPED: Between 6-2-60 and 6-28-60, from Virginia to North Carolina.

LABEL IN PART: (Bag) "Pride of Halifax Self-Rising Flour Enriched Bleached Manufactured by Halifax Roller Mills Halifax, Va."

CHARGE: 402(a)(4)—the article had been prepared and packed under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 2-14-61. \$250 fine.

27157. Flour. (F.D.C. No. 45408. S. No. 55-043 R.)

QUANTITY: 160 25-lb. bags at Jonesboro, Ark., in possession of Puryear Grocery Co.

SHIPPED: 11-9-60 and 11-22-60, from Yukon, Okla.

LIBELED: 2-2-61, E. Dist. Ark.

CHARGE: 402(a)(3)—contained rodent excreta pellets and rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 3-15-61. Default—delivered to a public institution for use as animal feed.

27158. Flour. (F.D.C. No. 45431. S. Nos. 66-063/5 R.)

QUANTITY: 773 25-lb. bags at Memphis, Tenn., in possession of Rose Warehouse Co.

SHIPPED: 11-5-60 and 1-7-61, from Salina, Kans.

LIBELED: 2-23-61, W. Dist. Tenn.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 3-24-61. Default—delivered to a public institution for use as animal feed.

27159. Flour. (F.D.C. No. 45429. S. No. 44-541 R.)

QUANTITY: 19 100-lb. bags at Ontario, Oreg., in possession of Ontario Grocery Co.

SHIPPED: 1-5-61, from Nampa, Idaho.

LIBELED: 3-6-61, Dist. Oreg.

CHARGE: 402(a) (3)—contained rodent urine and rodent excreta pellets; and 402(a) (4)—held under insanitary conditions.

DISPOSITION: 4-12-61. Default—destruction.

27160. Flour. (F.D.C. No. 45230. S. No. 7-540 R.)

INFORMATION FILED: 3-22-61, Dist. Mass., against Joseph J. Abbas, t/a J. J. Abbas Bakery, Lawrence, Mass.

ALLEGED VIOLATION: Between 7-8-60 and 7-12-60, while the article was held for sale after shipment in interstate commerce, the defendant caused the article to be held in a building accessible to insects, and to be exposed to contamination by insects, which acts resulted in the article being adulterated.

CHARGE: 402(a) (3)—the article contained insects and insect parts; and 402(a) (4)—it was held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 4-14-61. The court imposed a sentence of 6 months imprisonment which was suspended, fined the defendant \$250, and placed him on probation for 1 year.

27161. Flour. (F.D.C. No. 45424. S. No. 32-266 R.)

QUANTITY: 561 100-lb. bags at Ponce, P.R.

SHIPPED: 10-31-60, from Evansville, Ind.

LIBELED: 2-15-61, Dist. P.R.

CHARGE: 402(a) (3)—contained insects while held for sale.

DISPOSITION: 4-19-61. Consent—claimed by Rovira Biscuit Corp., Ponce, P.R., and converted into animal feed.

27162. Flour, dried pinto beans, and dried black-eyed peas. (F.D.C. No. 45206. S. Nos. 57-100/1 P, 87-226 P, 1-467/8 R.)

INFORMATION FILED: 2-21-61, S. Dist. Fla., against Central Florida Foods, Inc., Sanford, Fla., and Hubert M. Pearce, president of the corporation.

ALLEGED VIOLATION: Between 2-28-59 and 3-30-60, the defendants caused quantities of flour, pinto beans, and black-eyed peas, while held for sale after shipment in interstate commerce, to be held in a building accessible to rodents and insects, and to be exposed to contamination by rodents and insects, which acts resulted in the articles being adulterated.

CHARGE: 402(a) (3)—the articles contained rodent urine and in addition, a portion of the flour contained insects, insect pupa, insect larvae, and insect castskins; and 402(a) (4)—the articles were held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 4-20-61. The corporation was fined \$250; the individual was placed on probation for 1 year.

27163. Flour. (F.D.C. No. 45451. S. No. 29-597 R.)

QUANTITY: 170 50-lb. bags at Belle Fourche, S. Dak., in possession of Farmers & Ranchers Cooperative.

SHIPPED: 10-10-60 and 12-15-60, from Kansas City, Mo.

LIBELED: 3-7-61, Dist. S. Dak.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 4-24-61. Consent—claimed by Farmers & Ranchers Cooperative. Segregated; 4,750 lbs. destroyed.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

27164. Barley (4 seizure actions). (F.D.C. Nos. 45033, 45034, 45035, 45036. S. Nos. 33-231/2 R, 35-999 R, 36-000 R.)

QUANTITY: 245 bags, containing a total of 24,626 lbs., at Brooklyn, N.Y.

SHIPPED: The article was delivered, on 8-25-60 and 8-30-60, to a ship pier at Brooklyn, N.Y., for shipment to Iceland.

RESULTS OF INVESTIGATION: Examination showed that the article was moldy. This condition developed following submersion in polluted river water, which occurred as a result of a storm on 9-13-60, which flooded the pier where the article was stored.

LIBELED: 10-31-60, E. Dist. N.Y.

CHARGE: 402(a)(3)—contained a decomposed substance while in interstate commerce.

DISPOSITION: 2-7-61, 2-8-61, 2-9-61. Default—destruction.

27165. Barley meal (5 seizure actions). (F.D.C. Nos. 45023, 45024, 45025, 45026, 45027. S. Nos. 33-236 R, 35-998 R, 36-127/9 R.)

QUANTITY: 525 bags, containing a total of 52,989 lbs., at Brooklyn, N.Y.

SHIPPED: The article was delivered, on 8-25-60 and 8-30-60, to a ship pier at Brooklyn, N.Y., for shipment to Iceland.

RESULTS OF INVESTIGATION: Examination showed that the article was moldy. This condition developed following submersion in polluted river water, which occurred as a result of a storm on 9-13-60, which flooded the pier where the article was stored.

LIBELED: 11-4-60, E. Dist. N.Y.

CHARGE: 402(a)(3)—contained a decomposed substance while in interstate commerce.

DISPOSITION: 1-18-61. Default—destruction.

27166. Rolled oats. (F.D.C. No. 45593. S. No. 58-920 R.)

QUANTITY: 137 cases, 12 2-lb. 10-oz. pkgs. each, at Green Bay, Wis.

SHIPPED: 2-10-61, from Minneapolis, Minn., by General Mills, Inc.

LABEL IN PART: (Pkg.) "Red Owl Quick Cooking Oats * * * Red Owl Stores, Inc., Distributor, Minneapolis, Minn."

LIBELED: 3-21-61, E. Dist. Wis.

CHARGE: 402(a)(3)—contained rodent excreta pellets and rodent hairs when shipped.

DISPOSITION: 4-19-61. Default—destruction.

27167. Unpopped popcorn (2 seizure actions). (F.D.C. No. 45432. S. Nos. 67-254/6 R, 67-258 R, 67-260 R.)

QUANTITY: 57 cases, 24 1-lb. bags each, 31 cases, 12 1-lb. bags each, 19 cases, 12 2-lb. bags each, and 149 cases, 24 10-oz. cans each, at Fort Worth, Tex.

SHIPPED: Between 10-25-60 and 1-5-61, from Hugo, Okla., by Red River Valley Popcorn Co.

LABEL IN PART: (Bags and cans) "White Swan Brand Popcorn * * * Waples-Platter Company, Fort Worth, Texas."

LIBELED: 3-20-61, N. Dist. Tex.

CHARGE: 402(a)(3)—contained insects and insect-damaged kernels when shipped.

DISPOSITION: 3-30-61. Consent—destruction.

27168. Rice. (F.D.C. No. 45605. S. No. 60-826 R.)

QUANTITY: 20 100-lb. bags at Huntsville, Ala., in possession of S. W. Tidwell Co.

SHIPPED: 12-15-60, from Stuttgart, Ark.

LIBELED: 3-24-61, N. Dist. Ala.

CHARGE: 402(a)(3)—contained rodent urine and rodent excreta pellets; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 4-24-61. Default—destruction.

27169. Rice. (F.D.C. No. 44923. S. No. 1-417 R.)

QUANTITY: 47 cases, 24 1-lb. pkgs. each, at Dublin, Ga.

SHIPPED: Prior to 9-1-60, from Stuttgart, Ark.

LIBELED: 10-7-60, S. Dist. Ga.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 11-22-60. Default—destruction.

27170. Wheat. (F.D.C. No. 45404. S. No. 47-200 R.)

QUANTITY: 104,700 lbs. at Toledo, Ohio.

SHIPPED: 1-16-61, from Dundee, Mich., by Karner Bros.

LIBELED: 1-25-61, N. Dist. Ohio.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 2-2-61. Consent—claimed by L. J. Schuster Co., Toledo, Ohio, and converted into animal feed.

27171. Wheat. (F.D.C. No. 45449. S. No. 44-936 R.)

QUANTITY: 96,000 lbs. at Spokane, Wash.

SHIPPED: 2-22-61, from Beach, N. Dak., by Fahlstrom Grain Co.

LIBELED: 3-14-61, E. Dist. Wash.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 3-22-61. Consent—claimed by Cargill, Inc., and converted into animal feed.

27172. Wheat. (F.D.C. No. 43063. S. Nos. 22-058 P, 28-475 P.)

INFORMATION FILED: 5-19-59, Dist. Kans., against the Continental Grain Co., a corporation, Argonia, Kans.

SHIPPED: 12-11-58 and 12-17-58, from Kansas to Texas and Missouri.

CHARGE: 402(a)(3)—contained rodent excreta; and 402(a)(4)—held under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 3-7-60. \$500 fine, plus costs.

27173. Wheat. (F.D.C. No. 45606. S. No. 5-220 R.)

QUANTITY: 120,000 lbs. at Norfolk, Va.

SHIPPED: 2-23-61, from Toledo, Ohio, by Michigan Elevator Exchange.

LIBELED: 3-27-61, E. Dist. Va.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 4-18-61. Consent—claimed by Michigan Elevator Exchange, Lansing, Mich., and denatured for use as animal feed.

27174. Wheat. (F.D.C. No. 45508. S. Nos. 64-933 R, 65-585 R.)

QUANTITY: 105,000 lbs. at Baltimore, Md.

SHIPPED: 2-1-61, from Hudson, Ind., by Lansing Grain Co.

LIBELED: On or about 3-13-61, Dist. Md.

CHARGE: 402(a)(3)—contained insects, rodent excreta pellets, and bird excreta when shipped.

DISPOSITION: 4-28-61. Consent—claimed by Lansing Grain Co., Toledo, Ohio, and sold for non-food use.

CHOCOLATE, CONFECTIONERY, AND RELATED PRODUCTS

CHOCOLATE PRODUCTS

27175. Chocolate-covered fruit, nuts, raisins, and brazil nuts. (F.D.C. No. 45289. S. Nos. 40-318/20 R.)

QUANTITY: 33 cases, 12 pkgs. each, of chocolate-covered fruit and nut mix: 13 cases, 12 pkgs. each, of chocolate-covered muscatel raisins; and 35 cases, 12 pkgs. each of chocolate-covered brazil nuts, at Springfield, Mo., in possession of Norman's Budget-Pak Candies, Inc.

SHIPPED: 10-3-60, from Chicago, Ill., in bulk containers and subsequently repacked by the dealer into packages.

LABEL IN PART: (Pkg) "Norman's Budget-Pak Candies Chocolate Fruit & Nut Mix 5½ Oz. * * * [or "Chocolate Muscatel Raisins 6½ Oz." or "Chocolate Covered Brazils 4½ Oz."] Packed by Norman Bros. Springfield, Missouri."

RESULTS OF INVESTIGATION: Examination showed that the articles were short weight.

LIBELED: On or about 12-19-60, W. Dist. Mo.

CHARGE: 403(e)(2)—while held for sale, the articles failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: 2-13-61. Default—delivered to charitable institutions.

CONFECTIONERY

27176. Candy. (F.D.C. No. 44954. S. Nos. 33-918/20 R.)

INFORMATION FILED: 1-24-61, E. Dist. N.Y., against Chunky Chocolate Corp., Brooklyn, N.Y., Irwin H. Jaffe, president, and Melvin Stillman, vice-president.

SHIPPED: 4-18-60, from New York to New Jersey.

LABEL IN PART: (Box) "Chunky Milk Chocolate With Cashews, Brazils and Raisins 6 Pack Chunky Chocolate Corporation Brooklyn, N.Y." and "Chunky Milk Chocolate With Cashews, Brazils and Raisins Chunky Chocolate Corporation, Brooklyn, N.Y. Net Weight. 4¾ Ounces Chunky Cutie."

CHARGE: 402(a)(2)(A)—the article contained an added deleterious substance, namely, metal fragments, which was unsafe within the meaning of 406; and 402(a)(4)—the article had been prepared and packed under insanitary conditions whereby it may have been rendered injurious to health.

PLEA: Nolo contendere.

DISPOSITION: 3-2-61. The court fined the corporation \$500; Irwin Jaffe \$200; and Melvin Stillman \$100.

27177. Licorice candy. (F.D.C. No. 45421. S. No. 26-821 R.)

QUANTITY: 43 cases, 12 bags each, at Los Angeles, Calif., in possession of Jaffe Candy Co.

SHIPPED: 11-9-60, from St. Louis, Mo.

LABEL IN PART: (Bag) "Ralphs Switzer's Licorice * * * The Low Calorie Candy * * * Ingredients: * * * Sodium Propionate * * * Packed Especially for Ralphs Grocery Co. Los Angeles California."

RESULTS OF INVESTIGATION: Examination showed the article to be black, rectangular pieces of candy having texture and flavor of licorice. The article was in bulk lots when shipped as described above and after receipt at Los Angeles, Calif., was repacked and labeled by the dealer.

LIBELED: 2-13-61, S. Dist. Calif.

CHARGE: 403(a)—while held for sale, the label statement "The Low Calorie Candy" was false and misleading since it was contrary to fact; and 403(k)—the article contained sodium propionate, a chemical preservative, and it failed to bear a label stating that fact.

DISPOSITION: 3-13-61. Default—delivered to a charitable institution.

HONEY AND SIRUP

27178. Honey, chicken a la king, corn, mustard, and coffee. (F.D.C. No. 45052. S. No. 36-045 R.)

QUANTITY: 20 cases 12 12-oz. jars each of honey; 10 cases, 12 12½-oz. jars each, of chicken a la king; 10 cases, 6 #10 cans each, of corn; 10 cases, 24 6-oz. jars each, of mustard; and 10 cases, 24 1-lb. cans each, of coffee, at Brooklyn, N.Y.

SHIPPED: The articles were delivered, on 8-17-60, to a ship pier at Brooklyn, N.Y., for shipment to Malaya.

RESULTS OF INVESTIGATION: Inspection showed that the articles had been submerged in polluted river water. The contamination occurred as a result of a storm on 9-13-60, which flooded the pier at Brooklyn, N.Y., where the articles were stored.

LIBELED: 11-30-60, E. Dist. N.Y.

CHARGE: 402(a)(4)—held under insanitary conditions while in interstate commerce.

DISPOSITION: 2-9-61. Default—destruction.

27179. Honey. (F.D.C. No. 45445. S. No. 39-956 R.)

QUANTITY: 24 cases, 24 jars each, at Memphis, Tenn.

SHIPPED: 2-1-61, from North Little Rock, Ark., by Fischer Honey Co.

LABEL IN PART: (Jar) "Jack Sprat Brand 100% Pure Honey Net Contents 1 Lb. Distributed by Sales Producers Associates, Inc., Kansas City, Kansas."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 3-3-61, W. Dist. Tenn.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 3-30-61. Consent—claimed by Fischer Honey Co., and reconditioned to fill the jars to the correct weight.

27180. Sorghum molasses. (F.D.C. No. 45308. S. No. 5-806 R.)

QUANTITY: 20 cases, 12 1-qt. jars each, and 9 1-gal. jugs at Parkersburg, W. Va.

SHIPPED: 9-14-60, from Joplin, Mo.

LIBELED: 1-5-61, N. Dist. W. Va.

CHARGE: 402(a)(3)—contained insects and insect fragments while held for sale.

DISPOSITION: 1-27-61. Default—destruction.

DAIRY PRODUCTS

BUTTER

27181. Butter. (F.D.C. No. 43756. S. No. 33-971 R.)

QUANTITY: 70 64-lb. ctns. at Jersey City, N.J.

SHIPPED: 1-15-61, from Cleveland, Ohio, by Stonehill Creameries Co.

LABEL IN PART: "Pullman Creamery Butter" or "Creamery Butter."

LIBELED: 1-27-61, Dist. N.J.

CHARGE: 402(b)(2)—when shipped, a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: 4-10-61. Consent—claimed by Stonehill Creameries Co., and reworked.

27182. Butter. (F.D.C. No. 43759. S. Nos. 35-146/7 R, 35-153/4 R.)

QUANTITY: 10 ctns., 40 1-lb. pkgs. each, and 10 ctns., 24 ½-lb. pkgs. each, at Lodi, N.J.

SHIPPED: 3-14-61, from Jamaica, N.Y., by Hollis Farms, Inc.

LABEL IN PART: (Pkg.) "Country Lad Brand Farm Style Whipped Butter Lightly Salted [or "Butter Sweet" or "Whipped Butter Sweet"] Packed by Country Boy Products, Inc., Jamaica, New York."

LIBELED: 3-24-61, Dist. N.J.

CHARGE: 402(b)(2)—when shipped, a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: 4-24-61. Consent—claimed by Hollis Farms, Inc., and reworked.

CHEESE

27183. Grated cheese. (F.D.C. No. 45054. S. No. 7-515 R.)

QUANTITY: 14 150-lb. drums at Boston, Mass.

SHIPPED: 9-13-60, from Rochester, N.Y., by Curtice Creamery, Inc.

RESULTS OF INVESTIGATION: Examination showed that the article failed to meet the definition and standard for hard grating cheeses in that it contained less than 32 percent of milk fat.

LIBELED: 10-21-60, Dist. Mass.

CHARGE: 402(b)(1)—when shipped, a valuable constituent, milk fat, had been in part omitted or abstracted therefrom; 403(e)(2)—the article failed to bear a label containing an accurate statement of the quantity and the contents in terms of weight; and 403(g)—the article purported to be and was represented as grated hard grating cheese and (1) it failed to conform to the definition and standard of identity and (2) its label failed to bear the name of the food specified in the definition and standard.

DISPOSITION: 11-28-60. Consent—claimed by Curtice Creamery, Inc., and relabeled.

EGGS

27184. Frozen eggs. (F.D.C. No. 44618. S. Nos. 32-529/31 R, 32-687/88 R.)

QUANTITY: 265 30-lb. cans at New York, N.Y.

SHIPPED: Between 4-27-59 and 8-10-59, from Lakewood, N.J., by B. Zuck & Son, Eviscerated Poultry, Inc.

LABEL IN PART: (Can) "Whole Eggs."

LIBELED: 6-23-60, S. Dist. N.Y.

CHARGE: 402(a)(3)—contained decomposed eggs when shipped.

DISPOSITION: 1-17-61. Consent—claimed by Standard Butter & Egg Corp., New York, N.Y. Segregated; 142 cans denatured.

FISH AND SHELLFISH

27185. Anchovies. (F.D.C. No. 44924. S. Nos. 75-325/7 P, 12-418 R.)

QUANTITY: 25 cases, 24 13-oz. tins each, at Chicago, Ill.

SHIPPED: 5-16-59, from Lisbon, Portugal.

LIBELED: 10-3-60, N. Dist. Ill.

CHARGE: 402(a)(3)—contained decomposed anchovies while held for sale.

DISPOSITION: 10-27-60. Default—destruction.

27186. Anchovies. (F.D.C. No. 45498. S. Nos. 13-205 R, 13-208 R.)

QUANTITY: 50 cases, 24 1-lb. 13-oz. cans each, at Chicago, Ill.

SHIPPED: 9-30-57, from Laredo, Spain.

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing decomposition.

LIBELED: 3-3-61, N. Dist. Ill.

CHARGE: 402(a)(3)—contained a decomposed substance while held for sale.

DISPOSITION: 4-4-61. Default—destruction.

27187. Frozen salmon. (F.D.C. No. 44859. S. No. 35-220 R.)

QUANTITY: 1 case, containing a total of 370 lbs., at Bronx, N.Y.

SHIPPED: Prior to 11-17-58, from outside the State of New York.

LIBELED: 8-24-60, S. Dist. N.Y.

CHARGE: 403(a) (3)—contained decomposed salmon while held for sale.

DISPOSITION: 9-28-60. Default—destruction.

27188. Frozen salmon. (F.D.C. No. 44784. S. No. 43-745 R.)

QUANTITY: 11,808 lbs. at Seattle, Wash.

SHIPPED: 8-9-60, from Seward, Alaska, by Halibut Producers Cooperative.

LIBELED: 8-29-60, W. Dist. Wash.

CHARGE: 402(a) (3)—contained decomposed salmon when shipped.

DISPOSITION: 9-27-60. Consent—claimed by Halibut Producers Cooperative, Seattle, Wash. Segregated; 2,390 lbs. destroyed.

27189. Canned salmon. (F.D.C. No. 45022. S. No. 43-749 R.)

QUANTITY: 101 cases, 12 4-lb. cans each, at Seattle, Wash.

SHIPPED: Raw fish was shipped on 8-9-60, from Seward, Alaska.

RESULTS OF INVESTIGATION: The above-mentioned raw fish was processed and packed in cases after its arrival at Seattle, Wash.

LIBELED: 10-14-60, W. Dist. Wash.

CHARGE: 402(a) (3)—contained decomposed fish while held for sale.

DISPOSITION: 3-6-61. Default—destruction.

27190. Canned smoked salmon. (F.D.C. No. 45190. S. No. 8-447 R.)

QUANTITY: 18 cases, 12 jars each, at Pittsburgh, Pa.

SHIPPED: Between 7-23-60 and 11-5-60, from Detroit, Mich., by City Smoked Fish Co.

LABEL IN PART: (Jar) "City Brand Smoked Sliced Nova-Lox Salmon [or "Sliced Smoked Salmon"] Net Wt. 8 oz. avd. Packed by City Smoked Fish Co., Detroit, Mich."

RESULTS OF INVESTIGATION: Examination showed the article to be short weight.

LIBELED: 12-21-60, W. Dist. Pa.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: 3-13-61. Default—destruction.

27191. Frozen ocean perch fillets. (F.D.C. No. 45348. S. No. 99-474 R.)

QUANTITY: 657 cases, 12 1-lb. pkgs. each, at Portland, Maine.

SHIPPED: These fillets were from fish caught by the fishing vessel "Evelyn L. Brown" in the waters of the Atlantic Ocean outside the limits of Maine prior to 12-19-60.

LIBELED: 1-17-61, Dist. Maine.

CHARGE: 402(a) (3)—contained decomposed fish fillets when shipped.

DISPOSITION: 2-9-61. Default—destruction.

27192. Frozen ocean perch fillets. (F.D.C. No. 45724. S. No. 70-214 R.)

QUANTITY: 14 cases, 74 1-lb. pkgs. each, and 43 cases, 48 1-lb. pkgs. each, at Portland, Maine.

SHIPPED: During the week of 2-13-61, from Boston, Mass. This was a return shipment.

LIBELED: 4-21-61, Dist. Maine.

CHARGE: 402(a)(3)—contained decomposed fish fillets when shipped.

DISPOSITION: 5-5-61. Default—delivered for conversion into fertilizer.

27193. Frozen ciscoes. (F.D.C. No. 45105. S. No. 32-548 R.)

QUANTITY: 6 boxes, containing a total of 771 lbs., at Brooklyn, N.Y.

SHIPPED: 6-5-60, from Montreal, Canada, by Lake St. Peter Fisheries.

LABEL IN PART: "9675 Ciscoes * * * Rego."

LIBELED: 11-28-60, E. Dist. N.Y.

CHARGE: 402(a)(3)—contained parasitic cysts when shipped.

DISPOSITION: 2-8-61. Default—destruction.

27194. Frozen boned shad. (F.D.C. No. 45057. S. No. 36-220 R.)

QUANTITY: 2 cases, containing a total of 197 lbs., at Bronx, N.Y.

SHIPPED: 7-8-58, from Monmouth Beach, N.J.

LIBELED: 10-27-60, S. Dist. N.Y.

CHARGE: 402(a)(3)—contained decomposed fish while held for sale.

DISPOSITION: 11-28-60. Default—destruction.

27195. Frozen haddock fillets. (F.D.C. No. 45069. S. No. 7-969 R.)

QUANTITY: 226 ctns. in 50-lb. cases, each ctn. containing 10 lbs. of individually wrapped frozen fish fillets, at Boston, Mass.

SHIPPED: These fillets were from fish caught by the fishing vessel "Weymouth," in the waters of the Atlantic Ocean outside the limits of Massachusetts, on or about 10-3-60.

LIBELED: 10-27-60, Dist. Mass.

CHARGE: 402(a)(3)—contained decomposed fish fillets when shipped.

DISPOSITION: 11-23-60. Consent—claimed by Eastern Seafood Co., Boston. Mass. Segregation was unsuccessful and the article was destroyed.

27196. Frozen halibut. (F.D.C. No. 45008. S. Nos. 36-215/8 R.)

QUANTITY: 3,320 lbs. in 250-lb. boxes, 360 lbs. in 200-lb. boxes, and 1,900 lbs. in 153¾-lb. boxes, at Bronx, N.Y.

SHIPPED: Prior to 3-14-60, from outside the United States.

LIBELED: 10-20-60, S. Dist. N.Y.

CHARGE: 402(a)(3)—contained decomposed fish while held for sale.

DISPOSITION: 12-1-60. Default—destruction.

27197. Frozen halibut (2 seizure actions). F.D.C. Nos. 44858, 44870. S. Nos. 35-218 R, 36-202/4 R.)

QUANTITY: 5,040 lbs. at Bronx, N.Y.

SHIPPED: Prior to 2-2-60, from outside the State of New York.

LIBELED: 8-17-60 and 9-6-60, S. Dist. N.Y.

CHARGE: 403(a)(3)—contained a decomposed substance while held for sale.

DISPOSITION: 9-20-60 and 10-10-60. Default—destruction.

27198. Canned tuna. (F.D.C. No. 45327. S. No. 25-557 R.)

QUANTITY: 249 cases, 48 7-oz. cans each, at New York, N.Y.

SHIPPED: 10-10-60, from Terminal Island, Calif., by Franco Italian Packing Co., Inc.

LABEL IN PART: (Cases) "PR Brand Solid Pack White Tuna Distributed by Peter Reeves Mkts. Inc. New York, N.Y." and (can) "PR Brand Albacore Solid Pack White Tuna * * * Distributed by Peter Reeves Markets, Inc., New York, N.Y."

LIBELED: On or about 1-20-61, S. Dist. N.Y.

CHARGE: 403(h)(2)—when shipped, the article purported to be and was represented as solid pack canned tuna, a food for which a standard fill of container has been prescribed by regulations, and it fell below such standard since the average weight, as determined by the method prescribed in such standard, of the pressed tuna from 24 cans was less than 4.47 ounces; and its label failed to bear, as required by regulations, a statement that it fell below such standard.

DISPOSITION: 2-24-61. Default—delivered to a charitable institution.

27199. Frozen whitefish. (F.D.C. No. 45484. S. No. 58-865 R.)

QUANTITY: 50 75-lb. boxes at Chicago, Ill.

SHIPPED: 1-26-61 and 1-30-61, from Winnipeg, Canada, by Canadian Fish Producers, Ltd.

LABEL IN PART: (Box) "Product of Canada Family Lake Medium Canadian Fish Producers, Winnipeg, Man. 5035."

LIBELED: 2-17-61, N. Dist. Ill.

CHARGE: 402(a)(3)—contained parasitic cysts when shipped.

DISPOSITION: 3-15-61. Default—destruction.

27200. Frozen breaded shrimp. (F.D.C. No. 45412. S. No. 16-457 R.)

QUANTITY: 202 cases, 12 10-oz. pkgs. each, at Columbus, Ohio.

SHIPPED: 10-20-60, from Brunswick, Ga., by Jekyll Island Packing Co., Inc.

LABEL IN PART: (Pkg.) "Jekyll Island Brand Breaded Fantail Shrimp Packed by Jekyll Island Packing Co., Brunswick, Georgia * * * Frozen."

LIBELED: 2-2-61, S. Dist. Ohio.

CHARGE: 402(a)(3)—contained insects and insect parts; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 3-16-61. Default—destruction.

FRUITS AND VEGETABLES

CANNED FRUIT

27201. Canned blueberries. (F.D.C. No. 45475. S. Nos. 16-700/1 R.)

QUANTITY: 7,097 cases, 144 3½-oz. cans each, at Norwood, Ohio.

SHIPPED: Between 8-12-59 and 10-28-59, from Detroit, Mich., by Frigid Foods.

LABEL IN PART: (Can) "Blueberries * * * packed in water with sugar added" and "Select, Premium Grade Blueberries * * * Especially Selected For Duncan Hines Blueberry Muffin Mix Packed in Water."

LIBELED: 2-15-61, S. Dist. Ohio.

CHARGE: 402(a)(3)—contained an objectionable medicinal odor and taste when shipped.

DISPOSITION: 4-21-61. Default—destruction.

27202. Canned peaches. (F.D.C. No. 45520. S. No. 4-890 R.)

QUANTITY: 84 cases, 24 15-oz. cans each, at Petersburg, Va.

SHIPPED: 8-8-60 and 8-24-60, from Gilbert, S.C., by Walter P. Rawl & Sons.

LABEL IN PART: (Can) "Carolina Yellow Free Peaches Mixed Pieces of Irregular Sizes and Shapes In Heavy Syrup * * * Packed by Walter P. Rawl & Sons, Gilbert, S.C."

LIBELED: 3-15-61, E. Dist. Va.

CHARGE: 402(a)(3)—contained a decomposed substance when shipped; and 403(g)(2)—the article purported to be and was represented as canned peaches, a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear, as required by regulations, the correct name of the optional packing medium present in such food since its label bore the statement "In Heavy Syrup" whereas the article was packed in a medium designated as "Light Syrup" in such definition and standard.

DISPOSITION: 4-12-61. Default—delivered to a public institution for use as animal feed.

FROZEN FRUIT

27203. Frozen sliced apples. (F.D.C. No. 45387. S. No. 64-669 R.)

QUANTITY: 189 30-lb. cans at Reno, Nev.

SHIPPED: 11-12-60, from Watsonville, Calif., by Watsonville Pie Apple Processing Co.

LABEL IN PART: (Can) "Brother Brand Pie Pack Sliced Newtown Pippin Apples."

LIBELED: 1-11-61, Dist. Nev.

CHARGE: 402(a)(3)—contained insects and insect parts; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 2-24-61. Default—destruction.

27204. Frozen sliced apples. (F.D.C. No. 45430. S. No. 24-414 R.)

QUANTITY: 354 30-lb. cans at Oklahoma City, Okla.

SHIPPED: 12-1-60, from Watsonville, Calif., by Watsonville Pie Apple Processing Co.

LABEL IN PART: (Can) "Brother Brand Pie Pack Sliced Newtown Pippin Apples * * * Sugar Syrup Packed by Fisher Bros. Watsonville Pie Apple Processing Co., Watsonville, California."

LIBELED: 2-17-61, W. Dist. Okla.

CHARGE: 402(a)(3)—contained *Drosophila* flies, insect fragments, and rodent hairs; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 4-3-61. Default—delivered to a public institution for use as animal feed.

VEGETABLES AND VEGETABLE PRODUCTS*

27205. Artichokes. (F.D.C. No. 45444. S. No. 99-752 R.)

QUANTITY: 95 25-lb. cases, at Boston, Mass.

SHIPPED: 2-16-61, from Guadalupe, Calif., by Western Packing Co.

LABEL IN PART: (Case) "Silveira and Spittle Brand Globe Artichokes Distributed by Western Packing Co. Guadalupe, Calif. Produce of U.S.A."

LIBELED: 3-3-61, Dist. Mass.

CHARGE: 402(a)(2)—the article was a raw agricultural commodity and, when shipped, contained a pesticide chemical, namely, parathion, which is unsafe within the meaning of 408 since the quantity of such pesticide chemical on the article was not within the limits of the tolerance prescribed by regulations.

DISPOSITION: 4-17-61. Default—destruction.

27206. Artichokes. (F.D.C. No. 45453. S. No. 70-179 R.)

QUANTITY: 53 crates, 48 artichokes each, at Somerville, Mass.

SHIPPED: 2-20-61, from Santa Maria, Calif., by Oceano Packing Co.

LABEL IN PART: (Crate) "Silveira and Spittle Brand Fancy Globe Artichokes Distributed by Western Packing Co. Guadalupe, Calif. Produce of U.S.A."

LIBELED: 3-7-61, Dist. Mass.

CHARGED: 402(a)(2)—the article was a raw agricultural commodity and, when shipped, contained a pesticide chemical, namely, parathion, which is unsafe within the meaning of 408 since the quantity of such pesticide chemical on the article was not within the limits of the tolerance prescribed by regulations.

DISPOSITION: 4-17-61. Default—destruction.

27207. Frozen collards. (F.D.C. No. 45171. S. Nos. 46-281/2 R.)

QUANTITY: 1,600 cases, 24 10-oz. pkgs. each, at Macon, Ga.

SHIPPED: 10-25-60, from Empire, Ala., by Hoyt Bagwell.

LABEL IN PART: "Dixiana Chopped Collards * * * Packed for Bateman Frozen Food Co., Macon, Georgia."

LIBELED: 12-5-60, M. Dist. Ga.

CHARGE: 402(a)(2)—when shipped, the article contained toxaphene, an added poisonous or deleterious substance which is unsafe within the meaning of 408 and no tolerance or exemption from the requirement of a tolerance for such substance on collards has been established.

DISPOSITION: 1-5-61. Default—destruction.

27208. Endive. (F.D.C. No. 45418. S. No. 1-240 R.)

QUANTITY: 100 26-lb. crates at East Hartford, Conn.

SHIPPED: 1-31-61, from Belle Glade, Fla., by Gressinger & Sons.

LABEL IN PART: (Crate) "4 Brothers Quality Vegetables Gressinger & Sons Hartville, Ohio, Belle Glade, Florida."

LIBELED: 2-8-61, Dist. Conn.

CHARGE: 402(a)(2)—the article was a raw agricultural commodity and, when shipped, contained a pesticide chemical, namely, parathion, which is unsafe

*See also Nos. 27162, 27178.

within the meaning of 408 since the quantity of such pesticide chemical on the article was not within the limits of the tolerance prescribed by regulations.
DISPOSITION: 2-13-61. Default—destruction.

27209. Endive. (F.D.C. No. 45487. S. No. 46-121 R.)

QUANTITY: 35 25-lb. crates at Forest Park, Ga.

SHIPPED: 1-31-61, from Belle Glade, Fla., by Gressinger & Sons.

LIBELED: 2-20-61, N. Dist. Ga.

CHARGE: 402(a)(2)—the article was a raw agricultural commodity and, when shipped, contained a pesticide chemical, namely, parathion, which is unsafe within the meaning of 408 in that the quantity of such pesticide chemical on the article was not within the limits of the tolerance prescribed by regulations.

DISPOSITION: 3-29-61. Default—destruction.

27210. Canned corn. (F.D.C. No. 45351. S. No. 32-254 R.)

QUANTITY: 85 cases, 6 6-lb. 10-oz. cans each, at Jackson, Miss.

SHIPPED: 11-18-60, from Merrill, Wis., by Oconomowoc Canning Co.

LABEL IN PART: (Can) "Teenie Weenie Brand Cream Style White Corn
* * * Distributed by Oconomowoc Canning Co., Oconomowoc, Wis."

LIBELED: 1-13-61, S. Dist. Miss.

CHARGE: 402(a)(3)—contained insects and insect fragments when shipped.

DISPOSITION: 2-28-61. Default—delivered to a public institution for use as animal feed.

27211. Canned cut green beans. (F.D.C. No. 45343. S. Nos. 33-283/4 R.)

QUANTITY: 26 cases, and 65 loose cans at Union, N.J.

SHIPPED: Between 4-9-59 and 6-22-60, from Frederick, Md., by Jenkins Bros., Inc.

LABEL IN PART: (Can) "OUR CHOICE Brand CUT GREEN BEANS Contents: 6 lbs., 6 ozs. Distributed by M. Millinger, Union, N.J."

LIBELED: 1-9-61, Dist. N.J.

CHARGE: 402(a)(3)—contained insects and insect larvae when shipped.

DISPOSITION: 2-14-61. Default—destruction.

27212. Canned cut green beans. (F.D.C. No. 45500. S. No. 13-352 R.)

QUANTITY: 683 cases, 24 1-lb. cans each, at Chicago, Ill.

SHIPPED: 11-4-60, from Cayuga, Ind., by Morgan & Sons Canning Co., Inc.

LABEL IN PART: (Can) "Daisy Brand Stringless Cut Green Beans * * *
Packed by Morgan & Sons Canning Co., Inc., Cayuga, Indiana."

LIBELED: 3-6-61, N. Dist. Ill.

CHARGE: 403(h)(1)—when shipped, the article purported to be and was represented as canned cut green beans, and its quality fell below the standard prescribed by regulations since the deseeded pods of the article contained more than 0.15 percent by weight of fibrous material, and its label failed to bear, as prescribed by regulations, a statement that it fell below such standard.

DISPOSITION: 4-4-61. Default—destruction.

27213. Dried Great Northern beans and dried navy beans. (F.D.C. No. 45384. S. No. 14-652/3 R.)

QUANTITY: 23 100-lb. bags of Great Northern beans and 12 100-lb. bags of navy beans, at Louisville, Ky., in possession of Merchants Wholesale Grocery Co.

SHIPPED: 10-27-60 and 11-17-60, from Kansas City, Mo.

LIBELED: 1-6-61, W. Dist. Ky.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 3-13-61. Default—destruction.

27214. Soybeans. (F.D.C. No. 45457A. S. Nos. 40-534/7 R, 40-539/40 R.)

QUANTITY: 626,370 lbs. at Memphis, Tenn.

SHIPPED: 2-27-61, from Newport, Ark., by Walker F. Hurley.

LIBELED: 3-16-61, W. Dist. Tenn.

CHARGE: 402(a)(1)—contained *Crotalaria* seeds, a poisonous or deleterious substance, when shipped.

DISPOSITION: 3-16-61. Consent—claimed by Walker F. Hurley, Newport, Ark. Segregated; 76,500 lbs. destroyed.

27215. Dried pinto beans. (F.D.C. No. 45495. S. No. 60-383 R.)

QUANTITY: 400 100-lb. bags at New Orleans, La., in possession of Texas Transport & Terminal Co., Inc.

SHIPPED: 3-9-59, from Greeley, Colo.

LIBELED: 3-6-61, E Dist. La.

CHARGE: 402(a)(3)—contained insects, bird excreta, and rodent excreta; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 5-4-61. Default—destruction.

27216. Dried black-eyed peas, Great Northern beans, and kidney beans. (F.D.C. No. 45240. S. Nos. 15-396 R, 16-842 R, 16-845 R.)

INFORMATION FILED: 4-21-61, S. Dist. Ohio, against the Tom Corwin Canning Co., a corporation, Lebanon, Ohio, and Herschel N. Bunnell, president.

ALLEGED VIOLATION: Between 3-11-59 and 8-5-60, while the articles were being held for sale after shipment in interstate commerce, the defendants caused the articles to be held in a building accessible to rodents, cats, and birds, and to be exposed to contamination by rodents and cats, which acts resulted in the articles being adulterated.

CHARGE: 402(a)(3)—the articles contained mammalian urine; and 402(a)(4)—the articles had been held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 4-21-61. Each defendant fined \$600.

27217. Dried green split peas. (F.D.C. No. 45614. S. No. 42-626 R.)

QUANTITY: 24 100-lb. bags at San Francisco, Calif., in possession of Robert Aspinall Co.

SHIPPED: 9-9-60, from Spokane, Wash.

LIBELED: 4-3-61, N. Dist. Calif.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 5-1-61. Default—destruction.

27218. Sweet peppers. (F.D.C. No. 45345. S. No. 13-417 R.)

QUANTITY: 101 cases, 12 1-qt. jars each, at Chicago, Ill.

SHIPPED: 11-21-60, from New Baltimore, Mich., by Safie Bros. Farm Pickle Co.

LABEL IN PART: (Jar) "Safie Farms * * * Sweet Finger Peppers Contains * * * Packed on SAFIE BROS. FARM NEW BALTIMORE, MICHIGAN."

LIBELED: 1-9-61, N. Dist. Ill.

CHARGE: 402(a)(3)—contained insects when shipped.

DISPOSITION: 3-9-61. Default—destruction.

27219. Canned pork and beans (3 seizure actions). (F.D.C. Nos. 45132, 45139, 45163. S. Nos. 38-992 R, 40-045 R, 40-920 R.)

QUANTITY: 560 cases, 24 1-lb. 14-oz. cans each, at Memphis, Tenn.

SHIPPED: 8-12-60 and 8-18-60, from Springdale, Ark., by Steele Canning Co.

LABEL IN PART: (Can) "Keystone's Pork and Beans in Tomato Sauce * * * Packed for Keystone Packing Co. Fort Smith, Ark."

LIBELED: 11-3-60, 11-10-60, and 11-23-60, W. Dist. Tenn.

CHARGE: 402(a)(1)—when shipped, the article contained a deleterious substance, namely, stones, which may render the article injurious to health.

DISPOSITION: 12-14-60, 12-16-60, and 12-28-60. Default—destruction.

27220. Canned pork and beans. (F.D.C. No. 45151. S. No. 66-241 R.)

QUANTITY: 214 cases, 24 1-lb. 14-oz. cans each, at Memphis, Tenn.

SHIPPED: 8-25-60, from Springdale, Ark., by Cannery, Inc.

LABEL IN PART: (Can) "Keystone's Pork and Beans in Tomato Sauce * * * Packed for Keystone Packing Co. Fort Smith, Ark."

LIBELED: 11-17-60, W. Dist. Tenn.

CHARGE: 402(a)(1)—when shipped, the article contained a deleterious substance, namely, stones, which may render the article injurious to health.

DISPOSITION: 12-19-60. Default—destruction.

27221. Canned pork and beans (2 seizure actions). (F.D.C. Nos. 44829, 44830. S. Nos. 38-984 R, 40-350 R.)

QUANTITY: 538 cases, 24 1-lb. 14-oz. cans each, at Memphis, Tenn.

SHIPPED: 8-12-60 and 8-30-60, from Springdale, Ark., by Steele Canning Co. (6 cases), and Cannery, Inc. (532 cases).

LABEL IN PART: (Can) "Keystone's Pork and Beans in Tomato Sauce * * * Packed for Keystone Packing Co., Fort Smith, Ark."

RESULTS OF INVESTIGATION: Examination showed the presence of stones.

LIBELED: 10-19-60, W. Dist. Tenn.

CHARGE: 402(a)(1)—when shipped, the article contained a deleterious substance, namely, stones, which may render it injurious to health.

DISPOSITION: 11-22-60. Default—delivered to a public institution for use as animal feed.

27222. Salona olives. (F.D.C. No. 45478. S. No. 13-080 R.)

QUANTITY: 27 cases, 6 jars each, at Chicago, Ill.

SHIPPED: 3-4-60, from Piraeus, Greece.

LABEL IN PART: (Jar) "Mandco Brand Salona Olives 'From Greece' Packed in salt water brine * * * Drained Wt. 3 Lbs. Imported & Packed by Mallars & Co. Chicago, Illinois."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight. The article was repacked and labeled by the dealer from bulk stock shipped as described above.

LIBELED: 2-15-61, N. Dist. Ill.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: 2-23-61. Consent—claimed by Mallars & Co., Chicago, Ill., and repacked and relabeled.

27223. Pickled pears and pickled cantaloupe. (F.D.C. No. 45485. S. Nos. 55-519 R, 55-905/6 R.)

QUANTITY: 58 cases, 12 1-lb. 1-oz. jars each, of pears and 96 cases, 48 10-oz. jars each, and 26 cases, 36 1-lb. 4-oz. jars each, of cantaloupe, at Seattle, Wash.

SHIPPED: 10-29-60 and 11-25-60, from Santa Clara, Calif., by El Camino Preservers.

LABEL IN PART: (Jar) "El Camino Brand Mint Flavored Pears [or "Sweet Pickled Cantaloupe"] * * * Packed by El Camino Preservers, Santa Clara, California" and "Napoleon Sweet Pickled Cantaloupe * * * A. Magnano & Sons Distributors, Seattle, Wash."

LIBELED: 2-20-61, W. Dist. Wash.

CHARGE: 402(a)(3)—contained *Drosophila* flies and fly fragments, and (58-case lot) fly eggs; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 3-22-61. Default—destruction.

27224. Pickled watermelon. (F.D.C. No. 45494. S. No. 55-921 R.)

QUANTITY: 73 cases, 12 10-oz. jars each, at Seattle, Wash.

SHIPPED: 10-29-60, from Santa Clara, Calif., by El Camino Preservers.

LABEL IN PART: (Jar) "Napoleon Sweet Pickled Watermelon * * * A. Magnano & Sons Distributors, Seattle, Wash."

LIBELED: 2-27-61, W. Dist. Wash.

CHARGE: 402(a)(3)—contained *Drosophila* flies, fly fragments, and fly larvae; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 3-22-61. Default—destruction.

27225. Zucca melon. (F.D.C. No. 45486. S. No. 99-611 R.)

QUANTITY: 6 drums at Amesbury, Mass.

SHIPPED: 12-1-60, from Palermo, Calif., by California Zucca Melon Products.

LABEL IN PART: (Drum) "California Zucca Melon Products Palermo, California—Zucca Melon In Salt Brine—Globes Net 510 When Packed Drum No. 3 [or other numbers] R. E. Kimball & Co. * * * Amesbury, Mass."

LIBELED: 2-20-61, Dist. Mass.

CHARGE: 402(a)(3)—contained *Drosophila* flies, fly fragments, and fly eggs when shipped.

DISPOSITION: 4-17-61. Default—destruction.

TOMATOES AND TOMATO PRODUCTS

27226. Canned tomatoes. (F.D.C. No. 45611. S. No. 8-398 R.)

QUANTITY: 799 cases, 6 6-lb. 6-oz. cans each, at McKees Rocks, Pa.

SHIPPED: 1-31-61 and 2-20-61, from Egg Harbor City, N.J., by Pappas Bros. & Gillies Co., Inc.

LABEL IN PART: (Can) "Sexton * * * Peeled Tomatoes * * * Distributed by John Sexton & Co. * * * Chicago, Ill."

LIBELED: 3-29-61, W. Dist. Pa.

CHARGE: 402(a)(3)—contained fly eggs and maggots when shipped.

DISPOSITION: 4-19-61. Default—destruction.

27227. Tomato juice. (F.D.C. No. 45047. S. Nos. 14-717 R, 16-772 R.)

QUANTITY: 12 cases, 48 14-oz. cans each, and 21 cases, 48 14-oz. cans each, at Newport, Ky.

SHIPPED: (12 cases) 6-29-60, from Austin, Ind., by Morgan Packing Co.; and (21 cases) 8-26-60, from Cincinnati, Ohio, by Greis Bros.

LABEL IN PART: (Can) "American Beauty Tomato Juice * * * Distributed by American Beauty Canned Food Products Franklin, Indiana."

LIBELED: 10-18-60, E. Dist. Ky.

CHARGE: 402(a)(3)—contained decomposed tomato material when shipped.

DISPOSITION: 12-2-60. Default—destruction.

27228. Tomato juice. (F.D.C. No. 45433. S. No. 16-825 R.)

QUANTITY: 163 cases, 12 1-qt. 14-oz. cans each, at Cincinnati, Ohio.

SHIPPED: 1-4-61, from Dunreith, Ind., by Eaton Canning Co.

LABEL IN PART: (Can) "Parkview Quality Grade A Fancy Tomato Juice * * * Distributors Parkview Markets, Inc. Cincinnati, Ohio."

LIBELED: 2-23-61, S. Dist. Ohio.

CHARGE: 402(a)(3)—contained decomposed tomato material when shipped.

DISPOSITION: 3-22-61. Default—destruction.

27229. Tomato drink. (F.D.C. No. 45159. S. No. 23-317 R.)

QUANTITY: 183 cases, 24 10-oz. cans each, at Oklahoma City, Okla.

SHIPPED: 9-27-60, from Oxnard, Calif., by Coastal Valley Canning Co.

LABEL IN PART: (Can) "Snap-E-Tom Tomato Drink Juices of Tomatoes, Green Chiles and Onions * * * Packed by Coastal Valley Canning Co., Oxnard, Calif."

LIBELED: 11-23-60, W. Dist. Okla.

CHARGE: 402(a)(3)—contained fly eggs and maggots when shipped.

DISPOSITION: 12-5-60. Default—delivered to a public institution for use as animal feed.

27230. Tomato puree. (F.D.C. No. 44742. S. No. 26-231 R.)

QUANTITY: 500 cases, 24 1-lb. 13-oz. cans each, at New York, N.Y.

SHIPPED: 6-17-60, from Fullerton, Calif., by Hunt Foods, Inc.

LABEL IN PART: (Can) "Hunt's Tomato Puree * * * Hunt Foods, Inc., Fullerton, Calif."

LIBELED: 8-9-60, S. Dist. N.Y.

CHARGE: 402(a)(3)—contained insect fragments, *Drosophila* fly eggs and maggots when shipped.

DISPOSITION: 12-16-60. Consent—claimed by Hunt Foods and Industries, Inc. Segregated; 366 cases destroyed.

27231. Tomato puree. (F.D.C. No. 45388. S. No. 29-239 R.)

QUANTITY: 62 cases, 10 6-lb. 8-oz. cans each, at Minneapolis, Minn.

SHIPPED: 10-9-60, from Lomax, Ill., by Lomax Canning Co.

LABEL IN PART: (Can) "Mississippi Valley Brand Tomato Puree * * * Packed by Lomax Canning Co., Lomax, Ill."

LIBELED: 1-18-61, Dist. Minn.

CHARGE: 402(a)(3)—contained decomposed tomato material when shipped.

DISPOSITION: 3-27-61. Default—disposed of as animal feed.

27232. Tomato puree. (F.D.C. No. 45596. S. No. 16-922 R.)

QUANTITY: 250 cases, 48 10-oz. cans each, at Nashville, Tenn.

SHIPPED: November 1960, from Campbellsburg, Ind., by Preston Rider Packing Co.

LABEL IN PART: (Can) "Rider's Best Tomato Puree * * * Preston Rider Packing Company, Campbellsburg, Indiana."

LIBELED: 3-22-61, M. Dist. Tenn.

CHARGE: 402(a)(3)—contained fly eggs and maggots, and decomposed tomato material when shipped.

DISPOSITION: 5-1-61. Default—destruction.

27233. Tomato puree (2 seizure actions). (F.D.C. Nos. 45396, 45397. S. Nos. 38-768/9 R.)

QUANTITY: 214 cases, 48 10-oz. cans each, at Sikeston, Mo.

SHIPPED: 11-8-60, from Campbellsburg, Ind., by Preston Rider Packing Co.

LABEL IN PART: (Can) "Rider's Best Tomato Puree * * * Preston Rider Packing Co., Campbellsburg, Indiana."

LIBELED: 1-17-61, E. Dist. Mo.

CHARGE: 402(a)(3)—contained decomposed tomato material when shipped.

DISPOSITION: 2-24-61. Default—destruction.

MEAT PRODUCTS AND POULTRY*

27234. Canned pork and canned ham. (F.D.C. No. 45437. S. Nos. 27-103/4 R.)

QUANTITY: 46 cases of 6 cans of various weights from 8 to 11 lbs., and 101 cases, 6 12-lb. cans each, at Los Angeles, Calif.

*See also Nos. 27178, 27236.

SHIPPED: 11-11-60 and 11-15-60, from Chicago, Ill.

LIBELED: 3-1-61, S. Dist. Calif.

CHARGE: 402(a)(3)—contained decomposed meat while held for sale.

DISPOSITION: 3-23-61. Default—destruction.

27235. Frozen chickens. (F.D.C. No. 45372. S. Nos. 23-447 R, 23-449 R.)

QUANTITY: 2 boxes, containing 1,100 lbs. of frozen, dressed, and cut up chickens, individually wrapped in cellophane wrapped trays at Kansas City, Kans.

SHIPPED: 10-8-59, from Kansas City, Mo.

LIBELED: 1-6-61, Dist. Kans.

CHARGE: 402(a)(3)—contained decomposed chickens while held for sale.

DISPOSITION: 4-15-61. Default—destruction

27236. Chicken tamales. (F.D.C. No. 45154. S. No. 18-147 R.)

QUANTITY: 90 cases, 12 15-oz. bags each, of chicken tamales at Denver, Colo.

SHIPPED: 9-26-60, from San Antonio, Tex., by Patio Foods, Inc.

LABEL IN PART: (Bag) "Patio Shuck Wrapped * * * Chicken Tamales * * *
Patio Foods, Inc. San Antonio, Texas."

LIBELED: 11-18-61, Dist. Colo.

CHARGE: 402(a)(3)—contained insects when shipped.

DISPOSITION: 1-3-61. Default—destruction.

NUTS AND NUT PRODUCTS

27237. Mixed nuts. (F.D.C. No. 45182. S. No. 15-057 R.)

QUANTITY: 300 ctns., 24 13-oz. boxes each, at Indianapolis, Ind.

SHIPPED: 10-11-60, from New York, N.Y.

LIBELED: 1-9-61, S. Dist. Ind.

CHARGE: 402(a)(3)—contained moldy, rancid, shriveled nuts, and empty shells while held for sale.

DISPOSITION: 2-23-61. Default—destruction.

27238. Mixed nuts. (F.D.C. No. 45270. S. Nos. 16-023 R, 16-029 R.)

QUANTITY: 144 cases, 24 13-oz. boxes each, at Richmond, Ky.

SHIPPED: 10-31-60, from New York, N.Y.

LIBELED: 12-5-60, E. Dist. Ky.

CHARGE: 402(a)(3)—contained rancid, moldy, shriveled nuts, and empty shells while held for sale.

DISPOSITION: 1-27-61. Consent—claimed by Graham Co., Inc, New York, N.Y. Segregated; 63 lbs. denatured.

27239. Unshelled mixed nuts and unshelled brazil nuts. (F.D.C. No. 45276.
S. Nos. 24-186 R, 24-188 R, 24-190 R.)

QUANTITY: 500 cases, 24 1-lb. bags each, of mixed nuts; and 73 cases, 24 1-lb. bags each, of brazil nuts, at Kansas City, Mo.

SHIPPED: 10-30-60 and 10-31-60, from Dallas, Tex.

LIBELED: On or about 12-9-60, W. Dist. Mo.

CHARGE: 402(a)(3)—contained (mixed nuts) insect-damaged nuts and (all lots) moldy nuts and empty shells while held for sale.

DISPOSITION: 2-8-61. Default—delivered to a public institution for use as animal feed.

27240. Unshelled brazil nuts. (F.D.C. No. 45137. S. No. 39-869 R.)

QUANTITY: 49 cases, 24 1-lb. boxes each, at Dallas, Tex.

SHIPPED: On an unknown date, from Dallas, Tex., to St. Louis, Mo., by Hines Produce Co., and returned to Dallas, Tex., on 10-21-60.

LABEL IN PART: (Box) "Festive Pack Selected Nuts * * * Triple HHH Brand Packed by Hines Produce Company, Dallas, Texas" and (case) "Lge-Med. Brazil Nuts."

LIBELED: 12-28-60, N. Dist. Tex.

CHARGE: 402(a)(3)—contained insect-infested, moldy, rancid, decomposed nuts, and empty shells when shipped.

DISPOSITION: 2-7-61. Default—delivered to a public institution for use as animal feed.

27241. Mixed nuts. (F.D.C. No. 45107. S. No. 3-098 R.)

QUANTITY: 109 cases, 24 1-lb. boxes each, at Miami, Fla.

SHIPPED: 10-4-60, from New York, N Y.

LIBELED: 11-22-60, S. Dist. Fla.

CHARGE: 402(a)(3)—contained insect-damaged, rancid, moldy, shriveled nuts, and empty shells while held for sale.

DISPOSITION: 1-19-61. Default—destruction.

27242. Mixed nuts. (F.D.C. No. 45365. S. No. 45-618 R.)

QUANTITY: 13 cases, 24 1-lb. pkgs. each, at Atlanta, Ga.

SHIPPED: 11-11-60, from New York, N.Y.

LIBELED: 1-30-61, N. Dist. Ga.

CHARGE: 402(a)(3)—contained insects, moldy nuts, and empty shells while held for sale.

DISPOSITION: 3-10-61. Default—destruction.

27243. Unshelled mixed nuts. (F.D.C. No. 45265. S. No. 38-474 R.)

QUANTITY: 268 cases, 24 1-lb. boxes each, at Chicago, Ill.

SHIPPED: 11-30-60, from Philadelphia, Pa.

LIBELED: 12-6-60, N. Dist. Ill.

CHARGE: 402(a)(3)—contained insect-infested, moldy, shriveled nuts, and empty shells while held for sale.

DISPOSITION: 1-6-61. Consent—claimed by Robert L. Berner Co., Chicago, Ill. Segregated; 1,148 lbs. destroyed.

27244. Unshelled mixed nuts. (F.D.C. No. 45177. S. No. 24-166 R.)

QUANTITY: 235 cases, 24 1-lb. bags each, at Kansas City, Kans.

SHIPPED: 10-25-60, from Dallas, Tex.

LIBELED: 12-30-60, Dist. Kans.

CHARGE: 402(a)(3)—contained insect-infested, moldy, rancid, shriveled nuts, and empty shells while held for sale.

DISPOSITION: 4-15-61. Default—destruction.

27245. Shelled pecans. (F.D.C. No. 45410. S. No. 24-408 R.)

QUANTITY: 10 cases, 24 3-oz. bags each, at Oklahoma City, Okla.

SHIPPED: 11-14-60 and 11-28-60, from Dallas, Tex., by Texas Nut Co.

LABEL IN PART: (Bag) "Nut Meats Pak Wunder Pecans * * * Texas Nut Company, Dallas, Texas."

LIBELED: 2-3-61, W. Dist. Okla.

CHARGE: 402(a)(3)—contained *E. coli* when shipped.

DISPOSITION: 3-1-61. Default—delivered to a public institution for use as animal feed.

27246. Shelled pecans. (F.D.C. No. 45537. S. No. 64-932 R.)

QUANTITY: 11 30-lb. ctns. at Washington, D.C.

SHIPPED: 1-3-61, from Fort Worth, Tex., by Leonard Nut Co.

LABEL IN PART: (Ctn.) "Large Pieces 1 Leonard Farms Brand Fancy Shelled Pecans Leonard Nut Company, Fort Worth, Texas * * * ZELW."

LIBELED: 3-28-61, Dist. Columbia.

CHARGE: 402(a)(3)—contained *E. coli*; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 4-21-61. Default—destruction.

27247. Granulated peanuts. (F.D.C. No. 45604. S. No. 26-671 R.)

QUANTITY: 200 30-lb. ctns. at Los Angeles, Calif.

SHIPPED: 1-23-61, from Aubrey, Tex., by Choice Products Co., Inc.

LABEL IN PART: (Ctn.) "Small Choice Products Co., Inc. * * * Peanut Granulates * * * Box 155 Aubrey, Texas."

LIBELED: 3-29-61, S. Dist. Calif.

CHARGE: 402(a)(3)—contained insect fragments; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 4-19-61. Default—destruction.

27248. Peanut butter. (F.D.C. No. 45603. S. No. 26-673 R.)

QUANTITY: 30 33-lb. cans at Los Angeles, Calif.

SHIPPED: 1-31-61, from Aubrey, Tex., by Choice Products Co., Inc.

LABEL IN PART: (Can) "Cream-E-nut * * * Peanut Butter * * * Choice Products Co., Inc. P.O. Box 155 Aubrey, Texas."

LIBELED: 3-29-61, S. Dist. Calif.

CHARGE: 402(a)(3)—contained insect fragments; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 4-19-61. Default—destruction.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE*

27249. Vitamin D Wafers. (F.D.C. No. 45501. S. No. 12-982 R.)

QUANTITY: 21 100-wafer boxes at Chicago, Ill.

SHIPPED: 8-8-60, from Kansas City, Mo.

RESULTS OF INVESTIGATION: Analysis showed that the article contained approximately 25 percent of the declared amount of vitamin D.

LIBELED: 3-6-61, N. Dist. Ill.

CHARGE: 402(b)(1)—while held for sale, the valuable constituent, vitamin D, had been in part omitted or abstracted from the article; and 403(a)—the label statement "100 Wafers—160 Million U.S.P. Units Vitamin D" was false and misleading.

DISPOSITION: 4-4-61. Default—destruction.

27250. 900 Calorie Food Concentrate. (F.D.C. No. 45082. S. Nos. 4-672/3 R.)

QUANTITY: 1,000 cases, 12 8-oz. jars each, of chocolate flavor, and 200 cases, 12 8-oz. jars each, of vanilla flavor, at Washington, D.C.

SHIPPED: 10-29-60, from Baltimore, Md., by Burrough Bros. Mfg. Co.

LABEL IN PART: (Jar) "900 Calorie Food Concentrate For Dietary Weight Control * * * Chocolate Flavor [or "Vanilla Flavor"] * * * Distributed by Peoples Drug Stores, Washington, D.C. * * * Approximate Analysis: * * * Protein 30.8%, Fat 8.8% * * * One-half pound powder supplies the following * * * Protein, Gm. 70; Fat, Gm. 20 * * * Folic Acid, mg. 0.3 ‡ * * * ‡ Need in human nutrition has not been established."

RESULTS OF INVESTIGATION: Examination showed that the article contained approximately (chocolate flavor) 52 percent of the declared amount of protein and 22 percent in excess of the declared amount of fat; and (vanilla flavor) 79 percent of the declared amount of protein and 13 percent in excess of the declared amount of fat.

LIBELED: 11-3-60, Dist. Columbia.

CHARGE: 402(b)(1)—when shipped, the valuable constituent, protein, had been in part omitted or abstracted from the article; 402(b)(2)—fat and carbohydrates had been substituted in part for protein; 403(a)—the label statements "Protein 30.8%, Fat 8.8%" and "Protein, Gm. 70; Fat, Gm. 20" were false and misleading; 403(a)—the label statement "Folic acid mg. 0.3 * * * Need in human nutrition has not been established." was false and misleading since it was contrary to fact; and 403(a)—the label statement "900 Calorie Food Concentrate" was false and misleading since the article was not a food concentrate.

DISPOSITION: 12-7-60 and 2-4-61. Consent—claimed by Burrough Bros. Mfg. Co., and remanufactured and relabeled.

*See also No. 27151.

INDEX TO NOTICES OF JUDGMENT F.N.J. NOS. 27151-27250

PRODUCTS

	N.J. No.		N.J. No.
Anchovies	27185, 27186	Ham, canned	27234
Apples, frozen, sliced	27203, 27204	Honey	27178, 27179
Artichokes	27205, 27206	Kidney beans, dried	27216
Bakery products	27151, 27152	Meat products and poultry	27234-27236
Barley	27164	Melon, Zucca	27225
meal	27165	Molasses, sorghum	27180
Beans, black-eyed, dried. <i>See</i>		Mustard	27178
Peas, black-eyed, dried.		Navy beans, dried	27213
green, canned	27211, 27212	900 Calorie Food Concentrate	27250
Great Northern, dried	27216	Nuts and nut products	27237-27248
kidney, dried	27216	Oats, rolled	27166
navy, dried	27213	Olives, Salona	27222
Black-eyed peas, dried	27216	Peaches, canned	27202
Blueberries, canned	27201	Peanut(s), butter	27248
Brazil nuts, unshelled	27239, 27240	granulated	27247
Bread, enriched	27151	Pears, pickled	27223
Butter	27181, 27182	Peas, black-eyed, dried	27162, 27216
Candy. <i>See</i> Confectionery.		split, green, dried	27217
Cantaloupe, pickled	27223	Pecans, shelled	27245, 27246
Cereals and cereal products	27151-27174	Peppers, sweet	27218
Cheese, grated	27183	Perch fillets, frozen	27191, 27192
Chicken a la king	27178	Pinto beans, dried	27162, 27215
tamales	27236	Popcorn, unpopped	27167
Chocolate-covered brazil nuts	27175	Pork, canned	27234
fruit	27175	and beans, canned	27219-27221
raisins	27175	Rice	27168, 27169
Ciscoes, frozen	27193	Rolls	27151
Coffee	27178	Salmon, canned	27189
Collards, frozen	27207	smoked	27190
Confectionery	27176, 27177	frozen	27187, 27188
Corn, canned	27178, 27210	Shad, frozen, boned	27194
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Eggs, frozen	27184	Shrimp, breaded, frozen	27200
Endive	27208, 27209	Sorghum molasses	27180
Fruitcakes	27152	Soybeans	27214
Fish and shellfish	27185-27200	Split peas, green, dried	27217
Flour	27153-27163	Tamales, chicken	27236
Fruits and vegetables	27201-27233	Tomato(es), canned	27226
fruit, canned	27201, 27202	drink	27229
frozen	27203, 27204	juice	27227, 27228
tomatoes and tomato prod-		puree	27230-27233
ucts	27226-27233	Tuna, canned	27198
vegetables and vegetable prod-		Vegetables. <i>See</i> Fruits and vegetables.	
ucts	27205-27225		
Great Northern beans, dried	27216		
Haddock fillets, frozen	27195		
Halibut, frozen	27196, 27197		

	N.J. No.		N.J. No.
Vitamin D wafers_____	27249	Watermelon, pickled_____	27224
Vitamin, mineral, and other products of special dietary significance_____	27249, 27250	Wheat _____	27170-27174
		Whitefish, frozen_____	27199
		Zucca melon_____	27225

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N.J. No.		N.J. No.
Abbas, J. J.:		Corwin, Tom, Canning Co.:	
flour _____	27160	dried black-eyed peas, Great Northern beans, and kidney beans_____	27216
Abbas, J. J., Bakery. <i>See</i> Abbas, J. J.		Country Boy Products, Inc.:	
Amana Society Bakery:		butter_____	27182
flour _____	27155	Curtice Creamery, Inc.:	
American Beauty Canned Food Products:		grated cheese_____	27183
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Aspinall, Robert, Co.:		rolls and enriched bread_____	27151
dried green split peas_____	27217	Di Domenicis, J. O.:	
Bagwell, Hoyt:		rolls and enriched bread_____	27151
frozen collards_____	27207	Earo, John:	
Bateman Frozen Food Co.:		rolls and enriched bread_____	27151
frozen collards_____	27207	Earo's Imperial Baking Co.:	
Brown, Evelyn L. (boat):		rolls and enriched bread_____	27151
frozen perch fillets_____	27191	Eaton Canning Co.:	
Bunnell, H. N.:		tomato juice_____	27228
dried black-eyed peas, Great Northern beans, and kidney beans_____	27216	El Camino Preservers:	
Burrough Bros. Mfg. Co.:		pickled pears and pickled can- taloupe_____	27223
900 Calorie Food Concentrate_	27250	pickled watermelon_____	27224
California Zucca Melon Prod- ucts:		Fahlstrom Grain Co.:	
Zucca melon_____	27225	wheat_____	27171
Canadian Fish Producers, Ltd.:		Farmers & Ranchers Cooper- ative:	
frozen whitefish_____	27199	flour _____	27163
Canners, Inc.:		Fischer Honey Co.:	
canned pork and beans__	27220, 27221	honey_____	27179
Central Florida Foods, Inc.:		Fisher Bros.:	
flour, dried pinto beans, and dried black-eyed peas_____	27162	frozen sliced apples_____	27204
Choice Products Co., Inc.:		Franco Italian Packing Co., Inc.:	
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peanut butter_____	27248	Frigid Foods:	
Chunky Chocolate Corp.:		canned blueberries_____	27201
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City Smoked Fish Co.:		rolled oats_____	27166
smoked canned salmon_____	27190	Greis Bros.:	
Coastal Valley Canning Co.:		tomato juice_____	27227
tomato drink_____	27229	Gressinger & Sons:	
Continental Grain Co.:		endive_____	27208, 27209
wheat_____	27172	Halibut Producers Cooperative:	
		frozen salmon_____	27188

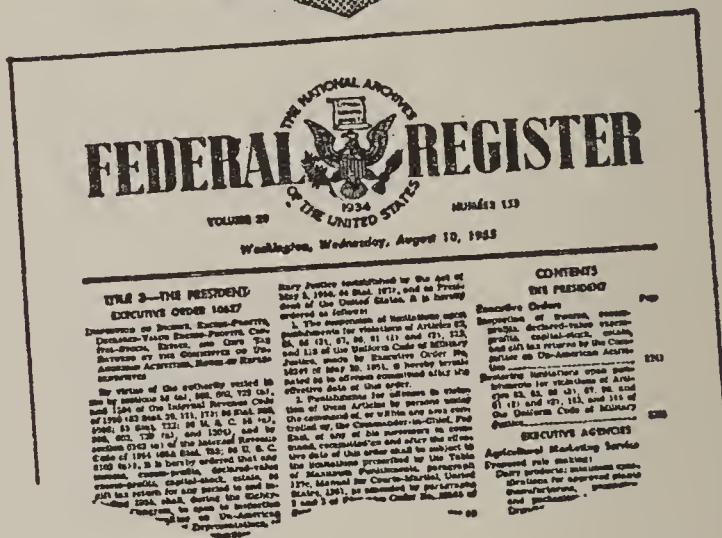
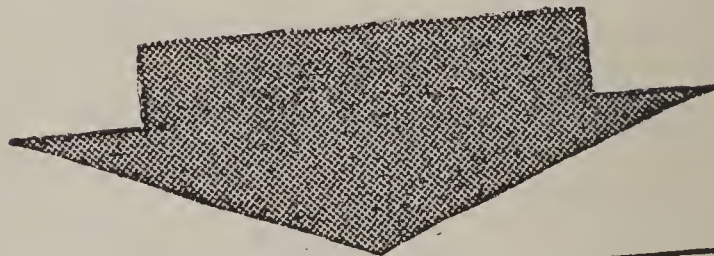
	N.J. No.		N.J. No.
Halifax Roller Mills :		Millinger, M. :	
flour -----	27156	canned green beans -----	27211
Hines Produce Co. :		Morgan Packing Co. :	
unshelled brazil nuts -----	27240	tomato juice -----	27227
Hollis Farms, Inc. :		Morgan & Sons Canning Co., Inc. :	
butter -----	27182	canned green beans -----	27212
Hunt Foods, Inc. :		Norman Bros. :	
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Hurley, W. F. :		raisins, and brazil nuts -----	27175
soybeans -----	27214	Norman's Budget-Pak Candies,	
Jaffe, I. H. :		Inc. :	
candy -----	27176	chocolate-covered fruit, nuts,	
Jaffe Candy Co. :		raisins, and brazil nuts -----	27175
licorice candy -----	27177	Oceano Packing Co. :	
Jekyll Island Packing Co., Inc. :		artichokes -----	27206
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Jenkins Bros., Inc. :		canned corn -----	27210
canned cut green beans -----	27211	Ontario Grocery Co. :	
Karner Bros. :		flour -----	27159
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flour -----	27154	Parkview Markets, Inc. :	
Keystone Packing Co. :		tomato juice -----	27228
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Lake St. Peter Fisheries :		flour, dried pinto beans, and	
frozen ciscoes -----	27193	dried black-eyed peas -----	27162
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Fruitcakes :		licorice candy -----	27177
fruitcakes -----	27152	Rawl, Walter P., & Sons :	
Lomax Canning Co. :		canned peaches -----	27202
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Mallars & Co. :		canned tuna -----	27198
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Merchants Wholesale Grocery		tomato puree -----	27232, 27233
Co. :		Rose Warehouse Co. :	
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and dried navy beans -----	27213	Safie Bros. Farm Pickle Co. :	
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Michigan Elevator Exchange :		Sales Producers Associates, Inc. :	
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	N.J. No.		N.J. No.
Sexton, John, & Co.:		Tidwell, S. W., Co.:	
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Steele Canning Co.:		Waples-Platter Co.:	
canned pork and beans--	27219, 27221	unpopped popcorn-----	27167
Stillman, Melvin:		Watsonville Pie Apple Process-	
candy -----	27176	ing Co.:	
Stonehill Creameries Co.:		frozen sliced apples-----	27203, 27204
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Texas Nut Co.:		artichokes-----	27205, 27206
pecan nut meats-----	27245	Weymouth (boat):	
Texas Transport & Terminal Co.,		frozen haddock fillets-----	27195
Inc.:		Zuck, B., & Son, Eviscerated Poul-	
dried pinto beans-----	27215	try, Inc.:	
		frozen eggs-----	27184

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U.S. Department of Health, Education, and Welfare
FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,
DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

27251-27300

FOODS

The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were adulterated or misbranded within the meaning of the Act when introduced into and while in interstate commerce, or while held for sale after shipment in interstate commerce. These cases involve (1) seizure proceedings in which decrees of condemnation were entered after default, consent, or motion for summary judgment, and including in one case the entry of a decree of injunction, and (2) criminal proceedings which were terminated upon pleas of guilty or nolo contendere. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal proceedings are against the *firms* or *individuals* charged to be responsible for violations.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D.C.

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SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN
VIOLATIONS REPORTED IN F.N.J. NOS. 27251-27300

Adulteration, Section 402(a)(1), the article contained a poisonous or deleterious substance which might render it injurious to health; Section 402(a)(2)(A), the article contained an added poisonous or deleterious substance which is unsafe within the meaning of Section 406; Section 402(a)(2)(C), the article contained a food additive which is unsafe within the meaning of Section 409; Section 402(a)(3), the article consisted in part of a filthy, putrid, or decomposed substance, or it was otherwise unfit for food; Section 402(a)(4), the article had been prepared, packed, or held under insanitary conditions whereby it may have been contaminated with filth, or rendered injurious to health; Section 402(b)(1), a valuable constituent had been in whole or in part omitted or abstracted from the article; Section 402(b)(2), a substance had been substituted in whole or in part for the article; Section 402(b)(4), a substance had been added to the article or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it was; Section 406, a poisonous or deleterious substance was added to food when such substance was not required in the production thereof and could have been avoided by good manufacturing practice; and Section 409, a food additive was deemed to be unsafe because the food additive, and its use or intended use failed to conform to the terms of an effective exemption or because there was not in effect, or the food additive and its use or intended use failed to be in conformity with, a regulation prescribing conditions for safe use.

Misbranding, Section 403(a), the labeling of the article was false and misleading; Section 403(c), the article was an imitation of another food, and its label failed to bear, in type or uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; Section 403(e), the article was in package form, and it failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the quantity of contents in terms of weight, measure, or numerical count; Section 403(f), a word, statement, or other information required by or under authority of the Act to appear on the label was not prominently placed thereon with such conspicuousness (as compared with other statements, designs, or devices in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use; Section 403(g)(1) the article purported to be or was represented as a food for which a definition and standard of identity had been prescribed by regulations and it failed to conform to such definition and standard; Section 403(i), the article was not subject to the provisions of Section 403(g) and (1) its label failed to bear the common or usual name of the article, and (2) the article was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient; Section 403(j), the article purported to be and was represented for special dietary uses, and its label failed to bear such information concerning its vitamin, mineral, and other dietary properties as the Secretary has determined to be, and by regulation prescribed as, necessary in order fully to inform purchasers as to its value for such uses; and Section 403(k), the article contained an artificial flavoring, artificial coloring, or chemical preservative and failed to bear labeling stating that fact.

BEVERAGES AND BEVERAGE MATERIALS

27251. Green coffee beans. (F.D.C. No. 45610. S. No. 60-833 R.)

QUANTITY: 250 154-lb. bags at New Orleans, La., in possession of Strachan Shipping Co.

SHIPPED: 1-28-61, from Puerto Sucre, Venezuela.

LIBELED: 3-30-61, E. Dist. La.

CHARGE: 402(a)(3)—contained bird excreta; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 4-27-61. Consent—claimed by J. A. Folger & Co., New Orleans, La. Segregated; 1,876 lbs. destroyed.

27252. Green coffee beans. (F.D.C. No. 45597. S. No. 60-831 R.)

QUANTITY: 150 133-lb. bags at New Orleans, La., in possession of Texas Transport & Terminal Co., Inc.

SHIPPED: 1-14-61, from Maracaibo, Venezuela.

LIBELED: 3-23-61, E. Dist. La.

CHARGE: 402(a)(3)—contained bird excreta; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 5-3-61. Consent—claimed by Gillespie & Co. of New York, Inc. Segregated; 559 lbs. destroyed.

CEREALS AND CEREAL PRODUCTS**BAKERY PRODUCTS**

27253. Vanilla wafers. (F.D.C. No. 45627. S. No. 1-541 R.)

QUANTITY: 200 cases, 12 1-lb. bags each, at Montgomery, Ala.

SHIPPED: 3-3-61, from Valdosta, Ga., Crackin' Good Bakers, Inc.

LABEL IN PART: (Case) "Vanilla Wafers 0523 The Crackin' Good Bakers Valdosta, Ga." and (bag) "Vanilla Wafers * * * Crackin' Good * * * The Crackin' Good Bakers, Valdosta, Ga."

LIBELED: 4-14-61, M. Dist. Ala.

CHARGE: 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 5-27-61. Consent—destruction.

CORNMEAL

27254. Cornmeal. (F.D.C. No. 44970. S. Nos. 1-076/8 R, 1-081/6 R.)

INFORMATION FILED: 2-1-61, M. Dist. N.C., against Daniel Alton Monroe, Jr., t/a X-Way Milling Co., Laurinburg, N.C.

SHIPPED: Between 4-12-60 and 4-27-60, from North Carolina to South Carolina.

LABEL IN PART: (Bags) "Enriched Corn Meal 5 Lbs. Net Weight [or "2 lbs. Net Weight"] X-Way Water Ground Unbolted White CORN MEAL X-Way Milling Co., Laurinburg, N.C." and "Enriched Corn Meal 5 Lbs. Net Weight [or "2 Lbs. Net Weight"] X-Way Water Ground Self-Rising White CORN MEAL Made From Clean Corn X-Way Milling Co., Laurinburg, N.C."

CHARGE: 402(a)(3)—contained insect fragments, rodent excreta fragments, and rodent hairs; and 402(a)(4)—prepared and packed under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 3-13-61. \$750 fine, sentence of imprisonment for 2 years suspended, and probation for 5 years.

FLOUR

27255. Flour. (F.D.C. No. 44325. S. Nos. 99-628/30 P.)

INFORMATION FILED: 5-20-60, E. Dist. Ark., against Helena Wholesale, Inc., Helena, Ark.

ALLEGED VIOLATIONS: Between 10-20-59 and 2-4-60, while quantities of flour were being held for sale after shipment in interstate commerce, the defendants caused such article to be placed in a building that was infested with rodents, and to be exposed to contamination by rodents, which acts resulted in the article being adulterated.

CHARGE: 402(a)(3)—contained rodent urine and rodent excreta; and 402(a)(4)—held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 3-16-61. \$300 fine.

27256. Flour. (F.D.C. No. 45330. S. Nos. 57-313/7 R.)

QUANTITY: 58 25-lb. bags, 180 10-lb. bags, 235 5-lb. bags, 16 25-lb. bags, and 19 25-lb. bags, at Concord, N.C., in possession of Cabarrus Cash Grocery.

SHIPPED: Between 8-1-60 and 11-16-60, from Claflin, Kans.

LIBELED: 1-4-61, M. Dist. N.C.

CHARGE: 402(a)(3)—contained (19-bag lot) insect excreta and insect larvae, and (all other lots) rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 4-7-61. Consent—claimed by Cabarrus Cash Grocery and converted into animal feed.

27257. Flour. (F.D.C. No. 44644. S. No. 72-929 P.)

INFORMATION FILED: 9-19-60, Dist. N.J., against Pride Baking Co., a partnership, Bayonne, N.J., and Norman Troum, manager.

ALLEGED VIOLATION: On 9-24-60, while quantities of flour were being held for sale after shipment in interstate commerce, the defendants caused the flour to be held in a building that was accessible to insects and to be exposed to contamination by insects, which acts resulted in the flour being adulterated.

CHARGE: 402(a)(3)—contained insects and insect parts; and 402(a)(4)—held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 4-14-61. Each defendant fined \$250.

27258. Flour. (F.D.C. No. 44658. S. No. 90-489 P.)

INFORMATION FILED: 2-27-61, Dist. Mass., against A. Bova & Sons, Inc., Boston, Mass., and Ralph F. Bova, president and manager.

ALLEGED VIOLATIONS: Between 1-11-60 and 1-19-60, while quantities of flour were being held for sale after shipment in interstate commerce, the defendants caused the flour to be held in a building that was accessible to insects and caused the flour to be exposed to contamination by insects by placing the flour in insect-contaminated equipment in said building, which acts resulted in the article being adulterated.

CHARGE: 402(a)(3)—contained insects and insect parts; and 402(a)(4)—held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 5-15-61. Corporation fined \$400; individual fined \$100.

27259. Flour. (F.D.C. No. 45599. S. Nos. 39-883/4 R.)

QUANTITY: 24 50-lb. bags and 49 bales, 10 2-lb. bags each, at Springfield, Mo., in possession of Rothermel Bros.

SHIPPED: 11-30-60 and 12-20-60, from Claflin, Kans.

LIBELED: On or about 3-29-61, W. Dist. Mo.

CHARGE: 402(a)(3)—contained rodent urine and rodent excreta pellets; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 5-22-61. Default—destruction.

MACARONI AND NOODLE PRODUCTS

27260. Macaroni. (F.D.C. No. 45722. S. No. 51-122 R.)

QUANTITY: 54 10-lb. cases at Albuquerque, N. Mex.

SHIPPED: 5-15-59 and 7-10-59, from St. Louis, Mo.

LIBELED: 4-17-61, Dist. N. Mex.

CHARGE: 402(a)(3)—contained insects, insect larvae, and insect parts while held for sale.

DISPOSITION: 5-18-61. Default—delivered to a charitable institution for use as animal feed.

27261. Egg noodles. (F.D.C. No. 44937. S. Nos. 22-264 P, 23-171 P, 55-919 P, 83-786/7 P, 97-731/2 P.)

INFORMATION FILED: 2-8-61, Dist. Kans., against Macaroni Manufacturers, Inc., Wichita, Kans., Louis A. Onofrio, manager, and Michael V. Vagnino, supervisor of the corporation.

SHIPPED: Between 10-15-59 and 3-22-60, from Kansas to Missouri, Colorado, and Oklahoma.

LABEL IN PART: "American Beauty Deluxe Egg Noodles" [or "Klus-Ky (Polish Style) Egg Noodles"] and "Klus-Ky Vitamin Enriched Egg Noodles * * * American Beauty Macaroni Co. Wichita [or "Kansas City 15, Kansas"]."

RESULTS OF INVESTIGATION: Analysis showed the article to be between 25 percent to 38 percent deficient in egg solids.

CHARGE: 402(b)(1)—when shipped, a valuable constituent, egg solids, had been in part omitted from the noodles; and 403(g)(1)—the article purported to be and was represented as egg noodles, a food for which a definition and standard of identity has been prescribed by regulations, and the product failed to conform to the definition and standard of identity for noodles which requires that noodles contain not less than 5.5 percent by weight of solids of egg or egg yolk.

PLEA: Nolo contendere.

DISPOSITION: 2-10-61. Each defendant fined \$140, plus costs.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

27262. Quick cooking oats. (F.D.C. No. 45439. S. Nos. 29-678 R, 52-735 R.)

QUANTITY: 120 cases, 12 2-lb. 10-oz. pkgs. each, at Fargo, N. Dak.

SHIPPED: 1-26-61, from Keokuk, Iowa, by General Mills, Inc.

LABEL IN PART: (Pkg.) "Red Owl Quick Cooking Oats Red Owl Stores, Inc., Distributors, Minneapolis, Minn."

LIBELED: 3-2-61, Dist. N. Dak.

CHARGE: 402(a) (3)—contained rodent excreta pellets when shipped.

DISPOSITION: 4-21-61. Default—destruction.

27263. Quick cooking oats. (F.D.C. No. 45441. S. No. 28-249 R.)

QUANTITY: 99 cases, 12 2-lb. 10-oz. pkgs. each, at Marshfield, Wis.

SHIPPED: 1-30-61, from Keokuk, Iowa, by General Mills, Inc.

LABEL IN PART: (Pkg.) "Royal Scarlet * * * Quick Cooking Oat Flakes Distributors R. C. Williams & Co., Inc. New York, N.Y."

LIBELED: 3-2-61, W. Dist. Wis.

CHARGE: 402(a) (3)—contained rodent excreta pellets when shipped.

DISPOSITION: 5-9-61. Default—delivered to a public institution for use as animal feed.

27264. Unpopped popcorn (2 seizure actions). (F.D.C. Nos. 45460, 45461. S. Nos. 17-597/8 R.)

QUANTITY: 26 cases, 24 1-lb. bags each, and 26 cases, 12 2-lb. bags each, at Hobbs, N. Mex.

SHIPPED: Prior to 11-6-60 and 12-9-60, from Dallas, Tex.

LIBELED: 2-6-61, Dist. N. Mex.

CHARGE: 402(a) (3)—contained insects, insect fragments, insect excreta, and insect-damaged kernels while held for sale.

DISPOSITION: 3-8-61. Default—delivered to a public institution for use as animal feed.

27265. Unpopped popcorn. (F.D.C. No. 45506. S. Nos. 51-582/4 R.)

QUANTITY: 54 cases, 24 12-oz. bags each, 121 cases, 12 24-oz. bags each, and 113 cases, 24 12-oz. bags each, at Mountainair, N. Mex., in possession of Ray's Bean Co.

SHIPPED: 1-16-59 and 3-21-60, from Kansas City, Mo.

RESULTS OF INVESTIGATION: The article was shipped in bulk and thereafter repacked by the dealer into bags as described above.

LIBELED: 3-8-61, Dist. N. Mex.

CHARGE: 402(a) (3)—contained (all lots) insects and insect-damaged kernels, (121-case lot) rodent excreta pellets, (113-case lot) insect excreta and insect webbing, and moldy kernels; and 402(a) (4)—held under insanitary conditions.

DISPOSITION: 4-10-61. Default—delivered to a public institution for use as animal feed.

27266. Rice. (F.D.C. No. 45634. S. No. 21-838 R.)

QUANTITY: 48 25-lb. bags at Saginaw, Mich.

SHIPPED: 2-8-60 and 7-8-60, from Stuttgart, Ark.

LIBELED: 4-21-61, E. Dist. Mich.

CHARGE: 402(a)(3)—contained insects, insect larvae, insect fragments, and insect excreta while held for sale.

DISPOSITION: 6-12-61. Default—destruction.

27267. Wheat. (F.D.C. No. 45390. S. No. 58-647 R.)

QUANTITY: 100,000 lbs. at Malden, Ind.

SHIPPED: 1-9-61, from Malden, Ind., to Chicago, Ill., by Porter County Cooperative Association and returned to Malden, Ind., on 1-11-61.

LIBELED: 1-17-61, N. Dist. Ind.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 5-19-61. Consent—claimed by Porter County Cooperative Association and converted into animal feed.

FEEDS AND GRAINS

27268. Hog ration. (F.D.C. No. 44575. S. No. 7-044 R.)

QUANTITY: 10 100-lb. bags at Fairfield, Vt.

SHIPPED: Some time within the 6-month period prior to 5-6-60, from Oneonta, N.Y., by Elmore Milling Co., Inc.

LABEL IN PART: (Bag) "Elmore Hog Ration * * * Manufactured by Elmore Milling Company, Inc. Oneonta, N.Y."

LIBELED: 5-14-60, Dist. Vt.

CHARGE: 402(a)(2)(A)—the article contained an added poisonous or deleterious substance, arsanilic acid, which is unsafe within the meaning of section 406 since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.

The libel also alleged that another article known as "Egg Ration" was adulterated under the provisions of the law applicable to drugs as reported in notices of judgment on drugs and devices, No. 6212.

DISPOSITION: 6-3-60. Consent—destruction.

27269. Milk replacer. (F.D.C. No. 45635. S. No. 12-657 R.)

QUANTITY: 120 50-lb. bags at Burlington, Wis.

SHIPPED: 2-22-61, from Dundee, Ill., by Milk Specialties, Inc.

LABEL IN PART: (Bag) "Milk Replacer * * * Murphy's * * * With Murphy's Minerals for Calves and Pigs * * * Mfd. for Murphy Products Co. Burlington, Wis." and (tag) "How to Feed Your Calves."

RESULTS OF INVESTIGATION: Examination showed that the article contained coumarin, an added poisonous or deleterious substance.

LIBELED: 4-20-61, E. Dist. Wis.

CHARGE: 402(a)(2)(A)—when shipped, the article contained coumarin, an added poisonous or deleterious substance.

DISPOSITION: 5-15-61. Default—destruction.

27270. Dog food. (F.D.C. No. 45717. S. No. 60-072 R.)

QUANTITY: 91 cases, 48 1-lb. cans each, at Dothan, Ala.

SHIPPED: 12-21-60, from Atlanta, Ga., by Fabro, Inc.

LABEL IN PART: (Can) "Jazz Dog Food * * * Cosby-Hodges Milling Company, Birmingham, Alabama * * * Guaranteed analysis."

LIBELED: 4-13-61, M. Dist. Ala.

CHARGE: 402(a)(1)—when shipped, the article contained a deleterious substance, namely, stone fragments, magnetic stone particles, and metal fragments, which may have rendered it injurious to health.

DISPOSITION: 5-19-61. Default—destruction.

27271. Vegetable fatty acid food. (F.D.C. No. 45650. S. No. 59-465 R.)

QUANTITY: 1 410-lb. drum at Chicago, Ill.

SHIPPED: 2-10-61, from Cincinnati, Ohio, by Emery Industries, Inc.

LABEL IN PART: (Drum) "Emery Chemicals Anal No. 4399 Emersol 3356 Double Distilled Vegetable Fatty Acid Food Grade Prepared from Edible Fats & Oils 457."

RESULTS OF INVESTIGATION: Examination by Association of Official Agricultural Chemists bio-assay for chick edema disease factor showed that the product contained material highly toxic to chicks.

LIBELED: 4-28-61, N. Dist. Ill.

CHARGE: 402(a)(2)(C)—when shipped, the article contained a food additive, namely, a substance highly toxic to chicks, which is unsafe within the meaning of section 409, since it and its use or intended use were not in conformity with a regulation or exemption in effect pursuant to section 409.

DISPOSITION: 5-25-61. Default—destruction.

FISH AND SHELLFISH

27272. Frozen ocean perch fillets. (F.D.C. No. 45459. S. No. 57-693 R.)

QUANTITY: 190 cases, 12 1-lb. pkgs. each, at Jacksonville, Fla.

SHIPPED: 1-6-61, from Boston, Mass.

LIBELED: 2-6-61, S. Dist. Fla.

CHARGE: 402(a)(3)—contained decomposed fish fillets while held for sale.

DISPOSITION: 4-12-61. Default—destruction.

27273. Frozen ocean perch fillets. (F.D.C. No. 45477. S. No. 1-528 R.)

QUANTITY: 146 cases, 12 1-lb. pkgs. each, at Ocala, Fla.

SHIPPED: 1-6-61, from Boston, Mass., by Fulham Bros., Inc.

LABEL IN PART: (Case) "4 Fishermen Brand Packed by Fulham Brothers, Inc., Boston-Mass. Portland-Me. Perch" and (pkg.) "Distributed by Fulham Brothers, Inc., Boston, Mass., Portland, Me. 4 Fishermen Brand Frozen Ocean Perch Fillets * * * Ready to Cook."

LIBELED: 2-20-61, S. Dist. Fla.

CHARGE: 402(a)(3)—contained decomposed fish fillets when shipped.

DISPOSITION: 4-12-61. Default—destruction.

27274. Frozen frog legs. (F.D.C. No. 45776. S. No. 20-714/15 R.)

QUANTITY: 14 10-lb. boxes at Detroit, Mich.

SHIPPED: 2-23-61 and 3-7-61, from New York, N.Y.

LIBELED: 5-5-61, E. Dist. Mich.

CHARGE: 402(a)(3)—contained decomposed frog legs while held for sale.

DISPOSITION: 6-12-61. Default—destruction.

27275. Frozen breaded oysters. (F.D.C. No. 45607. S. No. 68-484 R.)

QUANTITY: 99 cases, 6 pkgs. each, at Dallas, Tex.

SHIPPED: 1-24-61, from Baltimore, Md., by O. E. Wentworth & Co.

LABEL IN PART: (Pkg.) "Wentworth Three Dozen Quick Frozen Padded Oysters ready to Cook Triangle Brand * * * Net Weight 2 Lbs. 10 Oz."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 3-30-61, N. Dist. Tex.

CHARGE: 403(e)—when shipped, the article failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor and (2) an accurate statement of the quantity of contents; 403(i)(1)—the label failed to bear the common or usual name of the food since "Padded Oysters" is not the common or usual name of breaded oysters; and 403(i)(2)—the article was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient.

DISPOSITION: 5-5-61. Default—delivered to a public institution.

FRUITS AND VEGETABLES

CANNED FRUIT

27276. Canned pears. (F.D.C. No. 45707. S. No. 32-711 R.)

QUANTITY: 11 cases, 24 1-lb. 13-oz. cans each, at Irvington, N.J.

SHIPPED: 12-19-60 and 12-22-60, from New York, N.Y., by Francis H. Leggett & Co.

LABEL IN PART: (Can) "Savoy Halves Bartlett Pears in Light Syrup * * * Francis H. Leggett & Co., Subsidiary of Seeman Brothers, Inc. Distributors New York, N.Y."

LIBELED: 4-11-61, Dist. N.J.

CHARGE: 402(a)(3)—contained *Drosophila* flies when shipped.

DISPOSITION: 5-22-61. Default—destruction.

FRESH FRUIT

27277. Fresh cranberries. (F.D.C. No. 45141. S. No. 29-358 R.)

QUANTITY: 99 cases, 24 1-lb. bags each, at Mason City, Iowa.

SHIPPED: 11-12-59, from Eagle River, Wis.

LIBELED: 11-15-60, N. Dist. Iowa.

CHARGE: 402(a)(3)—contained decomposed cranberries while held for sale.

DISPOSITION: 12-14-60. Default—destruction.

MISCELLANEOUS FRUIT PRODUCTS

27278. Blackberry juice concentrate. (F.D.C. No. 45355. S. No. 3-057 R.)

QUANTITY: 27 1-gal. cans at Atlanta, Ga.

SHIPPED: 4-24-59 and 5-28-59, from New York, N.Y.

LIBELED: 1-16-61, N. Dist. Ga.

CHARGE: 402(a)(3)—contained a decomposed substance while held for sale.

DISPOSITION: 2-27-61. Default—destruction.

27279. Crushed grapes. (F.D.C. No. 45420. S. No. 9-792 R.)

QUANTITY: 45 50-gal. drums at Erie, Pa.

SHIPPED: 10-7-60, from Westfield, N.Y., by Westfield Food Products, Inc.

LIBELED: 2-10-61, W. Dist. Pa.

CHARGE: 402(a)(3)—contained insects and insect parts when shipped.

DISPOSITION: 4-19-61. Default—destruction.

27280. Glacé fruit mix. (F.D.C. No. 45115. S. No. 55-303 R.)

QUANTITY: 83 30-lb. ctns. at Seattle, Wash.

SHIPPED: 10-11-60, from Hayward, Calif., by Treasure Island Food Products.

LABEL IN PART: (Ctn.) "Treasure Island Food Products * * * Fancy Fruit Mix * * * Langendorf * * * Seattle, Wash."

LIBELED: 11-28-60, W. Dist. Wash.

CHARGE: 402(a)(3)—contained insects and insect fragments; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 3-6-61. Default—destruction.

27281. Glacé cherries and glacé fruit mix. (F.D.C. No. 45290. S. Nos. 55-304/6 R.)

QUANTITY: 25 30-lb. ctns. of cherries and 100 28½-lb. ctns. of fruit mix at Seattle, Wash.

SHIPPED: 10-14-60, from Hayward, Calif., by Treasure Island Food Products.

LABEL IN PART: (Ctn.) "Treasure Island Food Products * * * Hayward, California Glacé Cherries Whole & Broken [or "Fancy Fruit Mix"]."

LIBELED: 12-20-60, W. Dist. Wash.

CHARGE: 402(a)(3)—contained insect fragments and (fruit mix) insects and rodent hair fragments; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 3-22-61. Default—destruction.

VEGETABLES AND VEGETABLE PRODUCTS

27282. Mixed canned vegetables for infants. (F.D.C. No. 45646. S. No. 40-628 R.)

QUANTITY: 50 cases, 24 7½-oz. jars each, at St. Louis, Mo.

SHIPPED: Between 1-18-61 and 3-10-61, from Fremont, Mich., by Gerber Products Co.

LABEL IN PART: (Jar) "Junior Dinner Mixed Vegetables * * * Gerber * * * Gerber Products Co., Mfr. General Office Fremont, Mich, U.S.A."

RESULTS OF INVESTIGATION: Examination showed that the article contained stones.

LIBELED: 4-27-61, E. Dist. Mo.

CHARGE: 402(a)(1)—when shipped, the article contained a deleterious substance which may have rendered it injurious to health.

DISPOSITION: 6-14-61. Default—destruction.

27283. Carrot juice, celery juice, and beet juice. (F.D.C. No. 43599. S. Nos. 63-201/3 P, 80-098/9 P.)

QUANTITY: 100 24-can cases labeled carrot juice, and 24 24-can cases of unlabeled carrot juice; 42 24-can cases of labeled celery juice, and 25 24-can cases of unlabeled celery juice; and 30 24-can cases of labeled beet juice, at Detroit, Mich., in possession of Health Champions, Inc.

SHIPPED: Between 4-8-58 and 8-1-59, from Eugene, Oreg., by Eugene Fruit Growers Association.

LABEL IN PART: (Can) "Organi-Rich Natural Oregon Carrot Juice [or "Celery Juice" or "Beet Juice"] Contents: 1 Pt. 2 Fluid Ounces. [or "12 fl. oz."] Undiluted, no salt, no color, no preservative added. Packed for: Health Champions, Inc. Detroit 5, Mich."

ACCOMPANYING LABELING: Booklets entitled "Raw Vegetable Juices," "Nature's Way to Health" and loose labels for labeling containers of celery, beet, and carrot juices.

LIBELED: 10-19-59, E. Dist. Mich.

CHARGE: 403(e)—when shipped, the cans in the 24-case lot of carrot juice and in the 25-case lot of celery juice failed to bear labels containing (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the quantity of contents; and 403(j)—while held for sale, the articles purported to be and were represented as foods for special dietary use by reason of their use as a means of regulating the intake of sodium or salt (sodium chloride) and the labels of each article failed to bear, as prescribed by regulations, a statement of the number of milligrams of sodium per 100 grams of the food and a statement of the number of milligrams of sodium in an average serving of the food.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices No. 6375.

DISPOSITION: Health Champions, Inc., appeared as claimant and consented to the entry of a decree of condemnation and of permanent injunction. On 6-27-60, a decree was entered providing for the condemnation of the articles under seizure and the release under bond of the articles to be brought into compliance with the law. In addition, the decree permanently enjoined the claimant and its officers, agents, employees, representatives, and all other persons in active concert and participation with it from associating or causing to be associated with the above-described articles or any similar articles, while held for sale after shipment in interstate commerce, the booklets entitled "Raw Vegetable Juices" and "Nature's Way to Health" or any written, printed, or graphic matter which represent and suggest that such articles are adequate and effective for the treatment or prevention of colitis, ulcers, lung hemorrhages, acne, anemia, rheumatic conditions, constipation, rickets, functional heart trouble, arthritis, boils and carbuncles,

diabetes, cataracts, diphtheria, gonadal deficiency, Addison's disease, apoplexy, arteriosclerosis, measles, nerve disorders, varicose veins, low vitality, low blood pressure, suppressed menstruation, abnormal calcium deposits, and liver ailments.

NUTS

27284. Unshelled English walnuts (2 seizure actions). (F.D.C. Nos. 45288, 45309. S. Nos. 46-097 R, 46-102 R.)

QUANTITY: 59 ctns., 48 1-lb. bags each, at Asheville, N.C.; and 36 cases, 48 1-lb. bags each, at Morganton, N.C.

SHIPPED: 10-27-60 and 10-28-60, from Stockton, Calif.

LIBELED: 12-12-60 and 12-23-60, W. Dist. N.C.

CHARGE: 402(a)(3)—contained rancid, moldy, and shriveled nuts while held for sale.

DISPOSITION: 3-9-61. Consent—claimed by Diamond Walnut Growers, Inc., Stockton, Calif. Segregated; 3,086 lbs. converted into paint oil.

SPICES, FLAVORS, AND SEASONING MATERIALS

27285. Sweet and pungent sauce. (F.D.C. No. 45621. S. No. 28-283 R.)

QUANTITY: 436 cases, 12 jars each, at Duluth, Minn.

SHIPPED: 2-8-61 and 3-6-61, from Jackson, Ohio, by Chun King Corp.

LABEL IN PART: (Jar) "Chun King Sweet and Pungent Sauce Net Weight 8 ozs. * * * Ingredients * * * Distributed by the Chun King Corporation * * * Duluth, Minnesota."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 4-7-61, Dist. Minn.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 4-24-61. Consent—claimed by Harold M. Rose, t/a Dai-Day Co., Newark, N.J., and brought into compliance with the law.

27286. Spaghetti sauce. (F.D.C. No. 45395. S. No. 25-080 R.)

QUANTITY: 146 cases, 24 8-oz. cans each, at Kansas City, Mo.

SHIPPED: Between 9-3-60 and 10-10-60, from Milton, Pa., by American Home Foods, Inc.

LABEL IN PART: (Can) "Chef Boy-Ar-Dee Spaghetti Sauce with Meat * * * American Home Foods, Inc., Milton, Pa."

LIBELED: 1-18-61, W. Dist. Mo.

CHARGE: 402(a)(3)—contained decomposed tomato material when shipped.

DISPOSITION: 3-13-61. Default—destruction of 31 cases which was the total amount seized.

27287. Flavoring sirup. (F.D.C. No. 44997. S. No. 35-996 R.)

QUANTITY: 25 ctns., containing a total of 765 lbs., at Brooklyn, N.Y.

SHIPPED: The article was delivered, on 9-9-60, to a ship pier at Brooklyn, N.Y., for shipment to Iceland.

RESULTS OF INVESTIGATION: Inspection showed that the article had been submerged in polluted river water. The contamination occurred as a result of a storm on 9-13-60, which flooded the pier at Brooklyn, N.Y., where the article was stored.

LIBELED: 10-13-60, E. Dist. N.Y.

CHARGE: 402(a)(4)—held under insanitary conditions while in interstate commerce.

DISPOSITION: 1-18-61. Default—destruction.

27288. Imitation lemon juice. (F.D.C. No. 44549. S. No. 6-377 R.)

QUANTITY: 797 cases, 25 4½-oz. lemon-shaped, yellow plastic containers each, at East Hartford, Conn.

SHIPPED: 4-7-60, from Chicago, Ill., by Citrus Corp. of America.

LABEL IN PART: (Tag on plastic container) "New Taste Delight! * * * Easy Lemon Flavored Squeeze in the Jumbo Easy Juicer * * * Citrus Corporation of America, New Haven, Conn."

RESULTS OF INVESTIGATION: Examination showed that the article contained little or no lemon juice.

LIBELED: 4-29-60, Dist. Conn.

CHARGE: 403(c)—the article was an imitation of another food, lemon juice, and, when shipped, its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated.

DISPOSITION: 4-28-61 and 5-25-61. Default—delivered to a public institution.

27289. Monosodium glutamate. (F.D.C. No. 44285. S. Nos. 47-869 P, 63-779 P, 64-042 P, 64-066 P, 64-211 P.)

INFORMATION FILED: 5-12-60, Dist. Mass., against Packers' Laboratory, Inc., Boston, Mass., and Robert A. Poling, president and treasurer.

ALLEGED VIOLATIONS: Between 4-8-59 and 6-25-59, while quantities of monosodium glutamate were being held for sale after shipment in interstate commerce, the defendants caused quantities of sodium chloride (salt) to be added to the article and caused such article containing the added sodium chloride to be sold and delivered to firms in Massachusetts, which acts resulted in the article being adulterated and misbranded. In addition, the defendants caused quantities of the article to be shipped in interstate commerce from Boston, Mass., to New Britain, Conn., and Providence, R.I., on 6-8-59 and 6-26-59.

LABEL IN PART: (Drum) "99%+ Monosodium Glutamate."

CHARGE: 402(b)(2)—a substance consisting of a mixture of sodium chloride and monosodium glutamate had been substituted for monosodium glutamate; 402(b)(4)—sodium chloride had been added to and mixed and packed with the article so as to increase its bulk and weight and reduce its quality and strength; and 403(a)—the label statement "99%+ Monosodium Glutamate" was false and misleading since such statement represented and suggested that the article consisted of more than 99 percent monosodium glutamate, whereas it did not consist of more than 99 percent monosodium glutamate.

PLEA: Guilty.

DISPOSITION: 4-25-61. Corporation fined \$1,000; individual fined \$500.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

27290. Vitamin tablets. (F.D.C. No. 44751. S. Nos. 7-188/93 R.)

QUANTITY: 3 5,000-tablet cartoned btls., 32 1,000-tablet cartoned btls., 3 cases, each containing 48 250-tablet btls., 8 cases, each containing 144 100-tablet cartoned btls., and 3 cases, each containing 144 50-tablet cartoned btls., of Vita-Kaps; 7 1,000-tablet cartoned btls., 45 cases, each containing 12 250-tablet cartoned btls., 6 cases, each containing 12 100-tablet btls., and 14 cases, each containing 12 50-tablet cartoned btls., of VitaKaps-M; 6 5,000-tablet btls., 6 1,000-tablet btls., 7 cases, each containing 48 250-tablet btls., 342 cases, each containing 12 100-tablet btls., and 4 cases, each containing 144 50-tablet btls., of Dayalets; 3 1,000-tablet btls., 13 cases, each containing 36 250-tablet btls., and 136 cases, each containing 12 100-tablet btls., of Dayalets-M; 3 cases, each containing 24 1,000-tablet cartoned btls., 85 cases, each containing 48 100-tablet btls., and 16 cases, each containing 48 30-tablet btls., of Optilets; and 4 1,000-tablet btls., 20 cases, each containing 48 100-tablet btls., and 12 cases, each containing 48 30-tablet btls., of Optilets-M, at Needham Heights, Mass.

SHIPPED: Between 3-5-60 and 5-4-60, from North Chicago, Ill., by Abbott Laboratories.

LABEL IN PART: (Btl.) "Vita-Kaps Abbott Multivitamins for all the family A, D, C and Vitamin B Complex, including B₁₂ ("VitaKaps-M Abbott Multivitamins and Minerals for all the family. A, D, C and Vitamin B Complex, including B₁₂ and Minerals," "Dayalets Abbott's Multiple Vitamin Tablets Potent, daily maintenance vitamins 10 important vitamins in each tiny tablet," "Dayalets-M Abbott Vitamin Mineral Tablets 10 Important Vitamins 9 Important Minerals," "Optilets * * * Therapeutic Formula Multivitamins," and "Optilets-M Abbott's Therapeutic Formula Vitamins with Minerals") * * * Abbott Laboratories, North Chicago, Illinois."

ACCOMPANYING LABELING: Leaflets entitled "Vitamins for Your Family."

LIBELED: 8-3-60, Dist. Mass.

CHARGE: 403(a)—the labeling accompanying the articles, when shipped, when viewed as a whole and in the setting in which presented, represented and suggested that it was difficult, if not impossible, to obtain adequate nutrition from a diet of ordinary foods, due to the non-uniform distribution of vitamins and minerals in the various articles of food, and due to the adverse effects on the nutritive quality of foods ordinarily consumed due to poor quality soil, weather, agricultural, processing, and marketing practices, and home preparation, which would result in practically everyone suffering from, or being in danger of suffering from, inadequate vitamin and mineral nutrition unless a vitamin or vitamin and mineral supplement was added to the diet; which representations and suggestions were false and misleading, since the readily available foods will supply adequate vitamin and mineral nutrition as usually consumed, and malnutrition due to inadequate vitamin and mineral intake as supplied by the diet is extremely rare in this country;

403(a)—the labeling accompanying the articles, when shipped, contained statements which represented and suggested that the regular consumption of "a vitamin tablet" was a suitable corrective for all aspects of inadequate nutrition due to poor eating habits; fad diets; eating only the foods one likes and ignoring other needed foods; limiting the diet to foods easily prepared,

attractive, and pleasing in appearance and taste; which statements were false and misleading in that continuation of such a diet, even with the addition of vitamins and minerals, may not provide all nutrients needed for adequately balanced nutrition and is not the proper corrective of improper eating habits;

403(a)—the labeling accompanying the articles, when shipped, contained the statement designating the "Natural Sources" of vitamin C as "Citrus Fruits, berries, greens, cabbages, peppers," which statement was misleading in that it omitted from the listing the substantial contribution of vitamin C supplied to the diet by the root vegetables, such as sweet and Irish potatoes, rutabagas, and turnips; also by liver, various melons, and tomatoes and tomato products, each of which in an average serving will supply from one third up to the full amount or more of the daily need for this vitamin; and in that it omitted from the listing the lesser but still significant contribution of many other fruit and vegetable products; and

403(a)—the labeling accompanying the VitaKaps-M, Dayalets-M, and Optilets-M, when shipped, contained the statements which represented and suggested that the articles were of particular value by reason of the "extra insurance," "added potency," or "extra potency," of "9 important minerals"; which statements were false and misleading when referring to the addition of five milligrams per day of potassium, among other minerals, to the diet, since this is an insignificant quantity when compared with either the large amount of potassium present in the body, needed by the body, or supplied to the body by the ordinary diet.

The articles were alleged also to be misbranded under the provisions of the law applicable to drugs as reported in notices of judgment on drugs and devices, No. 6395.

DISPOSITION: 9-19-60. Default—delivered to a charitable institution.

27291. Decavitamin tablets. (F.D.C. No. 45514. S. No. 34-625 R.)

QUANTITY: 47 cases, 24 1,000-tablet btls. each, at Royce (Somerville), N.J.

SHIPPED: 1-3-61, from Oak Park, Mich.

LABEL IN PART: (Btl.) "Decavitamin, USP Ingredients in each tablet: * * * Vitamin B-12 2 Mcg."

RESULTS OF INVESTIGATION: Examination showed that the article contained approximately 50 percent of the declared amount of vitamin B₁₂.

LIBELED: 3-14-61, Dist. N.J.

CHARGE: 402(b)(1)—while held for sale, the valuable constituent, vitamin B₁₂, had been in part omitted or abstracted from the article; and 403(a)—the label statement "Vitamin B-12 2 Mcg." was false and misleading.

DISPOSITION: 4-28-61. Consent—claimed by Freshman Vitamin Co., Oak Park, Mich., and brought into compliance with the law.

27292. Harmon's Instant Liquid Malt. (F.D.C. No. 45499. S. No. 24-488 R.)

QUANTITY: 15 cases, 4 1-gal. jars each, and 10 1-qt. jars at Kansas City, Kans.

SHIPPED: 1-16-61, from McCook, Nebr., by Grain Products Corp.

LABEL IN PART: (Jar) "Harmon's Instant Liquid Malt A Natural Amplifier * * * Mfg. by Grain Prod. Corp. McCook, Nebr. 1955 A Very High Energy Food From 100% Malted Barley * * * Fortifies and amplifies the food value of everything in which it is used. Hundreds of home prepared items are tastier and healthier when made with Harmon's Liquid Malt * * * Power Packed With Energy * * * There's the Energy of a Meal in a Malt * * * Finest ingredients—Liquified Brown Sugar, Pure Malted Whole Barley, Maltose, Dextrose, and 1% Sorbic Acid."

RESULTS OF INVESTIGATION: Examination showed that the article was a malt-flavored sirup. Factory inspection disclosed that the article was composed of water, malt flour, brown sugar, malt sirup, and a chemical preservative, sodium benzoate.

LIBELED: 3-6-61, Dist. Kans.

CHARGE: 403(a)—when shipped, the label statement "From 100% Malted Barley" was false and misleading since the article contained ingredients in addition to that obtained from malted barley; the label statement "Finest Ingredients * * * 1% Sorbic Acid" was false and misleading since the article did not contain 1 percent sorbic acid; and the label statements "A Very High Energy Food," "Fortifies and amplifies the food value of everything in which it is used," and "Hundreds of home prepared items are * * * healthier when made with Harmon's Liquid Malt" were false and misleading since the statements were contrary to fact; 403(f)—the statement of ingredients required to appear on the label was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use; 403(i) (2)—the article was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient, since water, malt sirup, and sodium benzoate were present and were not declared on the label, and since "Liquified Brown Sugar," and "Malted Whole Barley," are not specific names of ingredients; and 403(k)—the article contained a chemical preservative, sodium benzoate, and its labeling failed to state that fact.

DISPOSITION: 4-15-61. Default—destruction.

27293. Mercer Geriatric Formula. (F.D.C. No. 45802. S. No. 96-837 R.)

QUANTITY: 107 100-capsule btls. at Buffalo, N.Y.

SHIPPED: 1-26-60 and 2-19-60, from Jersey City, N.J., by Julius Blackman Corp.

LABEL IN PART: (Btl.) "Geriatric Formula High Potency 14 Vitamins 11 minerals Usual Dose: * * * 1 capsule at meal time or as directed * * * Distributors Mercer Pharmacal Co. Jersey City, N.J. * * * Each Capsule contains * * * Folic Acid 0.5 mg."

LIBELED: 5-16-61, W. Dist. N.Y.

CHARGE: 402(a) (2) (C)—when shipped, the article contained a food additive, namely, folic acid, which is unsafe within the meaning of 409, since it and its use or intended use were not in conformity with a regulation or exemption in effect pursuant to section 409.

DISPOSITION: 6-14-61. Default—destruction.

27294. Concentrated extract of alfalfa. (F.D.C. No. 44666. S. No. 41-445 R.)
QUANTITY: 8 cases, 24 8-oz. btls. each; 6 cases, 13 16-oz. btls. each; and 9 cases, 12 32-oz. btls. each, at San Francisco, Calif.

SHIPPED: 6-8-59 and 1-8-60, from American Fork, Utah, by Lucerne Laboratories of Utah.

LABEL IN PART: (Btl.) "Lucerne Concentrated extract of alfalfa (Medicago Sativa) it is a dietary supplement * * * Lucerne Is Not A Medicine One teaspoonful (5 Mls) contains: * * * 0.00586 Mg. Iron Three glasses daily furnish: * * * 0.02 mg. 12% of min. Daily Reqt. * * * Also micro-amounts of the many other elements present (and combined naturally) in the Lucerne,—the oldest known plant—from which made; for which elements no official standard of requirement has been established. Many of these elements may be deficient in foods of every day variety. * * * All materials used in the manufacture of Lucerne are of USP XIII, National Formulary VIII, or of CP (Reagent) quality and are so guaranteed * * * Lucerne Laboratories of Utah * * * American Fork, Utah."

ACCOMPANYING LABELING: Leaflet entitled "Lucerne * * * Alfalfa Nature's Rarest Gift to Man and Animal."

LIBELED: 6-17-60, N. Dist. Calif.

CHARGE: 403(a)—when shipped, the labeling statement "One teaspoonful (5 Mls) contains: * * * Iron * * * Three glasses daily furnish * * * 12% of Min. Daily Reqt." was false and misleading since it was contrary to fact; and the labeling statements "Also micro-amounts of the many other elements present" and "unexcelled content of basic and trace minerals," and the listing of the trace elements in the labeling were false and misleading since such elements and trace minerals were present in insignificant amounts for special dietary food purposes; the label statements "Lucerne contains * * * sucrose, which (in the process) is converted to Delta-glucose and Fructose, forms most assimilable by the human system," and "Lucerne contains * * * sucrose," and "The sugar contained in Lucerne * * * more assimilable," were false and misleading since sucrose is as readily assimilable by the normal individual as glucose and fructose; and the labeling statement "All materials used in the manufacture of Lucerne are of USP XIII and National Formulary VIII, or of CP (Reagent) quality," was false and misleading since the alfalfa in the article was not of such quality and since USP XIII and National Formulary VIII are not effective as standards of quality; 403(i) (2)—the article was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient, since the ingredients of the unknown solution of the article were not declared on the label; and 403(j)—the article purported to be and was represented as a food for special dietary uses by reason of its vitamin and mineral content, and its label failed to bear, as required by regulations, a statement of the proportion of the minimum daily requirement for vitamins A, B, and D, supplied by the article when consumed in a specified quantity during a period of one day; and it also failed to bear the statement "The need for manganese, sulfur, barium, chromium, fluorine, molybdenum, strontium, vanadium, lithium, beryllium, cobalt, rubidium, tin, zinc, aluminum, silica, boron, lead, silver, and titanium, in human nutrition has not been established."

The libel also alleged that the article was misbranded under the provisions of the law relating to drugs as reported in notices of judgment on drugs and devices, No. 6393.

DISPOSITION: 8-29-60. Consent—claimed by Lucerne Laboratories of Utah, and released for relabeling.

27295. Kelp-Ette tablets. (F.D.C. No. 43959. S. No. 79-796 P.)

QUANTITY: 24 500-tablet btls., 24 1,000-tablet btls., and 24 2,000-tablet btls. at Hobart, Ind., in possession of Nelson's Natural Foods.

SHIPPED: Powdered kelp was shipped on 11-19-57, from Outer Harbor, San Pedro, Calif.

LABEL IN PART: (Btl.) "5-Grain Tablets * * * Nelson's Kelp-Ettes * * * A Pure Vegetable Sea Food Containing an abundance of Safe Natural Iodine Plus Other Minerals, Trace Elements, Organic Compounds and Vitamins Pressed from Pure Ocean Kelp. * * * Packed and Distributed by Nelson's Natural Foods * * * Battle Creek, Michigan * * * Nelson's Kelp-Ettes also contain Traces of the following Vitamins: Choline-Niacin-Carotene-Riboflavin Plus the following Organic Compounds: Alginic Acid-Chlorophyll-Lecithin-Manitol * * * 18 tablets * * * contain in milligrams * * * iron 5.8 * * * also undeterminable small amounts of Trace Elements of: Aluminum, Barium, Boron, Chromium, Lithium, Nickel, Silicon, Silver, Strontium, Titanium, Vanadium and Zinc."

ACCOMPANYING LABELING: Leaflets entitled "More Buoyant Health" and loose bottle labels for all size bottles.

RESULTS OF INVESTIGATION: The Kelp-Ette tablets were manufactured by the dealer from powdered kelp which had been shipped as described above. Examination showed that the tablets contained approximately 50 percent of the declared amount of iron.

LIBELED: 12-14-59, N. Dist. Ind.

CHARGE: 402(b)(1)—while held for sale, a valuable constituent, iron, had been omitted from the article; 403(a)—the statement in the labeling of the article that each 18 tablets contained 5.8 milligrams of iron was false and misleading; 403(a)—the labeling also contained false and misleading representations that the article, as compared to generally available foods, was superior in its content of minerals, trace elements, organic compounds, and vitamins; that the food supplies generally available were nutritionally deficient and inferior and that they lack sufficient quantities of the minerals, including trace minerals, contained in the article; that the trace elements in the article were needed in human nutrition to build and maintain the body; that the article was superior, as compared to foods generally available, in view of its content of choline, potassium, sodium, sulfur, magnesium, manganese, copper, trace elements, chlorine, carotene, riboflavin, niacin, alginic acid, chlorophyll, lecithin, and manitol; 403(a)—the statement in the labeling, "Your body, you know, is formed of mineral elements," was false and misleading since it was contrary to fact; and 403(j)—the article purported to be and was represented as a food for special dietary uses by reason of its vitamin and mineral content and its label failed to bear, as prescribed by regulations, a statement of the minimum daily requirement for niacin, vitamin A and riboflavin supplied by such food when consumed in a specified quantity during a period of one day; and the label also failed to bear the statement "The need for choline, sulfur, manganese, aluminum, barium, boron, chromium, lithium, nickel, silicon, silver, strontium, titanium, vanadium, and zinc in human nutrition has not been established," and a statement of the

quantity of such elements in a specified quantity of such food customarily or usually consumed during a period of one day.

The libel alleged also that the article was misbranded under the provisions of the law relating to drugs as reported in notices of judgment on drugs and devices, No. 6394.

DISPOSITION: 8-10-60. Default—destruction.

27296. Vitamin tablets. (F.D.C. No. 44680. S. Nos. 18-743/4 R, 19-071 R.)

QUANTITY: 21 180-tablet btls. of Vita-Lea; 15 180-tablet btls. and 12 360-tablet btls. of Pro-Lecin; and 5 pkgs. of 2 360-tablet btls. each, of Pro-Vita, at Delta, Colo.

SHIPPED: 5-1-60 and 6-10-60, from Oakland, Calif., by Shaklee Products.

LABEL IN PART: (Btl.) "Shaklee * * * Food Supplement With Digestive Enzymes * * * Vita-Lea;" "Shaklee * * * Pro-Lecin;" and (pkg.) "Shaklee Twin Pack Pro-Vita * * * Protein Vitamins Lecithin Minerals * * * Distributed by Shaklee Products, Oakland, Calif."

ACCOMPANYING LABELING: Folders entitled "4 Aids to The Wealth of Health Through Better Nutrition" and "The Best Way to Health is Nature's Way."

LIBELED: 7-11-60, Dist. Colo.

CHARGE: 403(a)—when shipped, the labeling of "Vita-Lea" and "Pro-Vita" contained false and misleading representations that the articles were food supplements containing fresh ingredients, that they contained enzymes which would promote digestion, that all ingredients in the articles were from the land and from the sea, and that all such ingredients were organic and as they existed in nature; that all ingredients in the articles were present in nutritionally significant amounts and that the articles contained significant amounts of secret food factors for special dietary use; that the articles had an "all natural and organic base * * * a special blend of Nature's finest vegetable food sources from the land and from the sea," and that the need for vitamin E, sodium, and folic acid in human nutrition had not been established; and the labeling of "Pro-Lecin" contained false and misleading representations that the article was a food supplement containing fresh ingredients; that it contained enzymes which would promote digestion; that all ingredients in the article were from the land and from the sea and that all such ingredients were organic and as they existed in nature; that all ingredients in the article were present in nutritionally significant amounts and that the article contained significant amounts of secret food factors for special dietary use; that the article would supply a significant amount of protein to the diet; was "Balanced Nutrition" and was "The finest and only complete protein"; and 403(j)—when shipped, the "Pro-Lecin" purported to be and was represented as a food for special dietary use by reason of its vitamin and mineral properties and its label failed to bear, as required by the regulations, the statement "The need for choline and inositol in human nutrition has not been established," a statement of the quantity of choline and inositol in a specified quantity of the food; and a statement of the quantity of the trace minerals in a specified quantity of the food when consumed during the period of one day.

The articles were alleged also to be misbranded under the provisions of the law applicable to drugs as reported in notices of judgment on drugs and devices, No. 6432.

DISPOSITION: 9-6-60. Default—destruction.

27297. Metabolin capsules. (F.D.C. No. 44746. S. No. 41-197 R.)

QUANTITY: 874 100-capsule boxes at Litchfield, Ill.

SHIPPED: 5-19-58, 8-12-58, 9-4-58, and an unknown date, from Atlanta, Ga.
These were return shipments.

LABEL IN PART: "Metabolin * * * Each Metabolin Capsule contains: Natural Non-activated Carbon 200 mg. Pepsin USP 15 mg. Thiamin Mononitrate USP 2.5 mg. Riboflavin USP 3.0 mg. Niacin USP 20 mg. Iron from Natural Sources, and Ferrous Sulfate 17 mg. Selected, Dried, Processed, and Naturally Fermented Grains* (corn, wheat, milo and oats) 400 mg. * * * Directions * * * Distributed by Plopper's Laboratories, Inc., Litchfield, Illinois."

ACCOMPANYING LABELING: Leaflet in box entitled "Metabolin is the Natural Way."

LIBELED: 8-1-60, S. Dist. Ill.

CHARGE: 403(j)—when shipped, the article purported to be and was represented as a food for special dietary use by reason of its vitamin and mineral content, and its label failed to bear, as required by regulations, a statement of the minimum daily requirement for vitamin A, vitamin B₁, vitamin C, vitamin D, riboflavin, or niacin or niacinamide, and iron, supplied by such food when consumed in a specified quantity during a period of one day.

The libel alleged also that the article was misbranded under the provisions of the law applicable to drugs as reported in notices of judgment on drugs and devices, No. 6434.

DISPOSITION: 1-4-61. Default—destruction.

27298. Lecithin granules. (F.D.C. No. 44731. S. No. 49-967 R.)

QUANTITY: 1 50-lb. drum and 3 14-oz. btls. at Denver, Colo.

SHIPPED: The article was shipped in a bulk drum on 3-23-60, from Decatur, Ill., by A. E. Staley Mfg. Co.

LABEL IN PART: (Drum) "Staley's Granular Lecithin Edible Soybean Phosphatides" and (btl.) "Glo-Way Chemical Co. * * * Lecithin * * * Granules From Soy Beans."

ACCOMPANYING LABELING: Booklet entitled "Lecithin and Health."

RESULTS OF INVESTIGATION: The 14-oz. bottles were packed by the dealer from the bulk stock shipped as described above.

LIBELED: 7-20-60, Dist. Colo.

CHARGE: 403(j)—when shipped and while held for sale, the article purported to be and was represented as a food for special dietary uses by reason of its vitamin and mineral content and its label failed to bear as required by regulations a statement of the proportion of the minimum daily requirement for vitamins B₁, B₂, niacin, and phosphorous, supplied by such food when consumed in a specified quantity during a period of one day.

The article was alleged to be misbranded also under the provisions of the law applicable to drugs as reported in notices of judgment on drugs and devices, No. 6433.

DISPOSITION: 9-6-60. Default—destruction.

27299. Ulcertrol. (F.D.C. No. 42661. S. No. 47-135 P.)

QUANTITY: 42 12-oz. ctnd. btls. at White Pigeon, Mich., in possession of Ulcertrol, Inc.

SHIPPED: Two ingredients of the article, grapefruit juice and lemon juice, had been shipped on unknown dates from New York, N.Y., Davenport, Fla., and Ontario, Calif.

LABEL IN PART: "Ulcertrol A Completely New Ulcer Treatment * * * Made * * * of the following: Potato water, orange, lemon & grapefruit juices * * * Ulcertrol, Inc., White Pigeon, Michigan."

ACCOMPANYING LABELING: Leaflet enclosed in each carton entitled "Ulcertrol."

RESULTS OF INVESTIGATION: The article was manufactured by the dealer at White Pigeon, Mich., using, among other ingredients, the ingredients which had been shipped in interstate commerce as described above.

LIBELED: 1-19-59, W. Dist. Mich.; amended 12-31-59.

CHARGE: 403(a)—while held for sale, the labeling of the article contained false and misleading representations that the article was an adequate and effective treatment for stomach ulcers.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs as reported in notices of judgment on drugs and devices, No. 6431.

DISPOSITION: Ulcertrol, Inc., appeared as claimant and filed an answer. Thereafter, the Government served written interrogatories upon the claimant and, on 9-16-59, the claimant made certain replies to the interrogatories. Subsequently, motions were filed by the Government and granted by the court to compel further and complete answers to the interrogatories. Such answers were furnished by the claimant. On 9-8-60, a motion for summary judgment was filed by the Government. Such motion was not opposed by the claimant and, on 2-7-61, the court entered a decree of condemnation and destruction.

27300. W & S Protein 90. (F.D.C. No. 44854. S. No. 20-470 R.)

QUANTITY: 9 cases, each containing 6 pkgs., each pkg. containing 1 30-capsule btl. and 1 360-tablet btl., at Warren, Mich.

SHIPPED: 4-13-60, from Riverside, Calif., by Ward & Stalnaker.

LABEL IN PART: (Pkg.) "W & S Protein 90 * * * Package contains 360 tablets W & S Protein 90 30 Capsules W & S Protein 90 Supplement * * * Each tablet contains: Protein (Natural Meat) 90% Moisture 3% Ash 7% Carbohydrates 0 Fat 0 Supplement Ingredients: Sodium Carboxy Methyl Cellulose 8 grains Phenylasitin (conc. Prune) 9.5 mg. Essential Amino Acids; Natural Amino Acids of meat proteins essential in the daily diet * * * W-S Sales Riverside, California."

ACCOMPANYING LABELING: Folders entitled "Secrets of Natural Health" and "Secrets of Weight Control."

RESULTS OF INVESTIGATION: Analysis of the article showed that it contained approximately 75 percent of the declared amount of protein.

LIBELED: 8-29-60, E. Dist. Mich.

CHARGE: 403(a)—when shipped, the label statement "Each tablet contains protein 90%" was false and misleading as applied to a product containing less than the declared amount of protein; the label statement "Phenylasitin (conc. Prune)" was false and misleading since phenylisatin is not concentrated prunes; the labeling contained representations that the article was a food supplement which were false and misleading since the article also contained capsules consisting of sodium carboxy-methyl-cellulose, a non-nutritive sub-

stance, and acetphenolisatin (phenylisatin), an irritant laxative, and its labeling failed to disclose the material fact that such capsules are not a food supplement; the labeling contained representations that the article would furnish significant quantities of protein to the ordinary diet, and that the average American diet supplies only half of the daily requirement of protein, which representations were false and misleading, since the article would not furnish significant amounts of protein to its consumer, and since the ordinary American diet contains ample amounts of protein for nutritional purposes; and the labeling contained false and misleading representations that the body, tissue, cell, organs, and blood are essentially protein; that the article contained no calories; that the protein content of wheat and corn grown in America is steadily declining even as the bushel yield per acre is increasing; that the protein content of most vegetables is becoming lower and lower and the declining protein content of foods has resulted in a protein deficiency in the American diet, including a reduction of the protein content of meat; and that protein is the food element which alone controls hunger; and 403(i) (2)—the label of the article failed to bear the common or usual name of each ingredient, since “protein (natural meat)” and “meat proteins” are not the common or usual names of such ingredients.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs as reported in notices of judgment on drugs and devices, No. 6425.

DISPOSITION: 10-7-60. Default—destruction.

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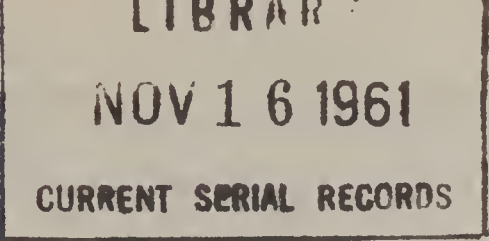
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Issued November 1961

U.S. Department of Health, Education, and Welfare
FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,
DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

27301-27350

FOODS

The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were adulterated or misbranded within the meaning of the Act when introduced into and while in interstate commerce, when shipped to a holder of a guaranty, or while held for sale after shipment in interstate commerce. These cases involve (1) seizure proceedings in which decrees of condemnation were entered by default, by consent, or in one case, by order of the court after trial before the court without a jury; and (2) criminal proceedings which were terminated upon pleas of nolo contendere or guilty. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal proceedings are against the *firms* or *individuals* charged to be responsible for violations.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D.C., *October 19, 1961.*

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SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS
REPORTED IN F.N.J. NOS. 27301-27350

Adulteration, Section 402(a)(2)(B), the article was a raw agricultural commodity and contained a pesticide chemical which was unsafe within the meaning of Section 408(a); Section 402(a)(2)(C), the article contained a food additive which was unsafe within the meaning of Section 409; Section 402(a)(3), the article consisted in part of a filthy, putrid, or decomposed substance, or it was otherwise unfit for food; Section 402(a)(4), the article had been prepared, packed, or held under insanitary conditions whereby it may have been contaminated with filth or rendered injurious to health; Section 402(b)(1), a valuable constituent had been in whole or in part omitted or abstracted from the article; Section 402(b)(3), damage or inferiority had been concealed in some manner; Section 402(b)(4), a substance had been added to the article or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it was; Section 408(a), a pesticide chemical deemed unsafe had been added to a raw agricultural commodity and (1) no tolerance had been prescribed by the Secretary of Health, Education, and Welfare or the quantity of such pesticide chemical in or on the raw agricultural commodity was not within the limits of the tolerance so prescribed, and (2) the pesticide chemical had not been exempted from the requirement of a tolerance; and Section 409, a food additive was deemed to be unsafe because the food additive, and its use or intended use failed to conform to the terms of an effective exemption or because there was not in effect, or the food additive and its use or intended use failed to be in conformity with, a regulation prescribing conditions for safe use.

Misbranding, Section 403(a), the labeling of the article was false and misleading; Section 403(b), the article was offered for sale under the name of another food; Section 403(d), the container of the article was so made, formed, or filled as to be misleading; Section 403(e)(2), the article was in package form, and it failed to bear a label containing an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; Section 403(f), a word, statement, or other information required by or under authority of the Act to appear on the label or labeling was not prominently placed thereon with such conspicuousness (as compared with other statements, designs, or devices in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use; Section 403(g), the article purported to be or was represented as a food for which a definition and standard of identity had been prescribed by regulations, and (1) it failed to conform to such definition and standard and (2) its label failed to bear the name of the food specified in the definition and standard; Section 403(h), the article purported to be or was represented as (1) a food for which a standard of quality has been prescribed by regulations and its quality fell below such standard or (2) a food for which a standard of fill of container had been prescribed and it fell below such standard; Section 403(i)(2), the article was not subject to the provisions of Section 403(g) and the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient; and Section 403(j), the article purported to be and was represented for special dietary uses, and its label failed to bear such information concerning its vitamin, mineral, and other dietary properties as the Secretary has determined to be, and by regulation prescribed as, necessary in order fully to inform purchasers as to its value for such uses.

CEREALS AND CEREAL PRODUCTS**CORNMEAL**

27301. Cornmeal and corn flour. (F.D.C. No. 45050. S. No. 53-445 R.)

QUANTITY: 11 100-lb. bags of yellow cornmeal, 14 100-lb. bags of white cornmeal, 15 100-lb. bags of yellow corn flour, and 1 100-lb. bag of white corn flour at Charlestown, Mass.

SHIPPED: 9-1-60, from Rochester, Ind.

LIBELED: 10-21-60, Dist. Mass.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 11-28-60. Default—delivered to a public institution for use as animal feed.

FLOUR

27302. Flour. (F.D.C. No. 45757. S. No. 11-499 R.)

QUANTITY: 139 100-lb. bags at Chicago, Ill., in possession of Habel, Armbruster & Larsen Co.

SHIPPED: 3-2-61 and 3-10-61, from Winona, Minn.

LIBELED: 5-2-61, N. Dist. Ill.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 5-15-61. Consent—claimed by Habel, Armbruster & Larsen Co. Segregated; 900 lbs. destroyed.

27303. Flour. (F.D.C. No. 45888. S. No. 69-633 R.)

QUANTITY: 73 100-lb. bags at Chicago, Ill., in possession of I. J. Grass Noodle Co., Inc.

SHIPPED: 3-14-61, from Minneapolis, Minn.

LIBELED: 5-12-61, N. Dist. Ill.

CHARGE: 402(a)(3)—contained rodent excreta; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 5-26-61. Consent—claimed by I. J. Grass Noodle Co., Inc. Segregated; 33 bags destroyed.

27304. Flour and rice. (F.D.C. No. 45878. S. Nos. 57-423/6 R.)

QUANTITY: 528 25-lb. bags of flour, and 18 bales, 20 3-lb. bags each, and 8 bales, 30 2-lb. bags each, of rice, at Ocala, Fla., in possession of Certified Grocers of Florida, Inc.

SHIPPED: Between 2-6-61 and 3-8-61, from Minneapolis, Minn., and Stuttgart, Ark.

LIBELED: 5-9-61, S. Dist. Fla.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 6-6-61. Default—destruction.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

27305. Rice. (F.D.C. No. 45540. S. Nos. 56-473 R, 56-901 R.)

QUANTITY: 135 bales, 20 3-lb. bags each, at New York, N.Y.

SHIPPED: 12-22-60, from Houston, Tex., by River Brand Rice Mills, Inc.

LABEL IN PART: (Bale) "Rico * * * Rice Packers River Brand Rice Mills, Inc. Houston-New York-Memphis" and (bag) "Rico Vitaminized Coated With Glucose and Talc. * * * Rice Shiny Blue Rose Type * * * Packers River Brand Rice Mills, Inc. * * * Packed in accordance with the requirements of the Commonwealth of Puerto Rico and the U.S. Food, Drug and Cosmetic Act."

LIBELED: 4-12-61, S. Dist. N.Y.

CHARGE: 403(a)—when shipped, the label statement "Packed in accordance with the requirements of the Commonwealth of Puerto Rico and the U.S. Food, Drug and Cosmetic Act" was false and misleading; and 403(g)(1)—the article failed to conform to the definition and standard of identity for enriched rice since such definition and standard does not include rice coated with talc and glucose and known as coated rice.

DISPOSITION: 5-4-61. Consent—claimed by River Brand Rice Mills, Inc., repacked, and relabeled.

27306. Rice. (F.D.C. No. 45715. S. No. 55-933 R.)

QUANTITY: 23 100-lb. bags at Tacoma, Wash., in possession of West Coast Grocery Co.

SHIPPED: 9-6-60, from Sacramento, Calif.

LIBELED: 4-12-61, W. Dist. Wash.

CHARGE: 402(a)(3)—contained rodent urine, excreta pellets, and hair; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 6-2-61. Default—delivered to a public institution for use as animal feed.

27307. Wheat. (F.D.C. No. 44819. S. Nos. 31-193/4 R.)

QUANTITY: 70,000 lbs. at Geary, Okla.

SHIPPED: 10-6-60, from Geary, Okla., to Houston, Tex., by Geary Milling & Elevator Co., and returned to Geary, Okla., on 10-10-60.

LIBELED: 10-17-60, W. Dist. Okla.

CHARGE: 402(a)(2)(B)—the article was a raw agricultural commodity and, when shipped, contained a pesticide chemical, namely, malathion, which is unsafe within the meaning of 408 since the quantity of such pesticide chemical on the article was not within the limits of the tolerance prescribed by regulations.

DISPOSITION: 11-18-60. Consent—claimed by Geary Milling & Elevator Co., and reconditioned to reduce the malathion content.

27308. Wheat. (F.D.C. No. 45601. S. No. 57-521 R.)

QUANTITY: 74,610 lbs. at Seattle, Wash.

SHIPPED: 2-27-61, from Shonkin, Mont., by Gallatin Valley Milling Co.

LIBELED: 3-23-61, W. Dist. Wash.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 3-29-61. Consent—claimed by Fisher Flouring Mills Co., Seattle, Wash., and converted into animal feed.

27309. Wheat. (F.D.C. No. 45618. S. Nos. 52-590 R, 52-794 R.)

QUANTITY: 118,200 lbs. at Minneapolis, Minn.

SHIPPED: 3-17-61, from Upham, N. Dak., by Upham Farmers Elevator Co.

LIBELED: 4-7-61, Dist. Minn.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 4-11-61. Consent—claimed by Upham Farmers Elevator Co. Segregated; 11,870 lbs. destroyed.

27310. Wheat. (F.D.C. No. 45787. S. No. 85-688 R.)

QUANTITY: 86,000 lbs. at Kansas City, Kans.

SHIPPED: 4-21-61, from Wymore, Nebr., by Wymore Grain Co.

LIBELED: 5-2-61, Dist. Kans.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 5-3-61. Consent—claimed by Scoular-Bishop Grain Co. Segregated; 6,440 lbs. denatured.

27311. Wheat. (F.D.C. No. 45652. S. No. 54-562 R.)

QUANTITY: 115,800 lbs. at Duluth, Minn.

SHIPPED: 4-11-61, from Inkster, N. Dak., by Peavey Elevators.

LIBELED: 4-28-61, Dist. Minn.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 5-18-61. Consent—claimed by Peavey Elevators, Div. of F. H. Peavey & Co., Minneapolis, Minn. Segregated; 3,300 lbs. denatured for use as animal feed.

27312. Quick cooking oats, cornmeal, and macaroni. (F.D.C. No. 44971. S. Nos. 39-397/9 R.)

INFORMATION FILED: 1-24-61, against Sol B. Copilevitz, t/a City Wide Wholesale Grocery Co., East St. Louis, Ill.

SHIPPED: 7-23-60, 8-2-60, and 8-4-60, from Illinois to Missouri.

CHARGE: 402(a)(3)—contained insects; and 402(a)(4)—held under unsanitary conditions.

PLEA: Guilty.

DISPOSITION: 1-24-61. \$750 fine.

27313. Unpopped popcorn. (F.D.C. No. 45416. S. No. 29-453 R.)

QUANTITY: 144 50-lb. bags at St. Paul, Minn.

SHIPPED: Between 11-2-60 and 12-7-60, from North Bend, Nebr., by Blevins Popcorn Co.

LABEL IN PART: (Bag) "Mille Lacs Maple Products * * * White Hullless" and (tag) "Blevins Popcorn Company * * * North Bend Nebr. Mille Lacs Maple Products * * * St. Paul 1, Minn."

LIBELED: 2-7-61, Dist. Minn.

CHARGE: 402(a)(3)—contained moldy kernels when shipped.

DISPOSITION: 3-27-61. Default—consumption by animals.

27314. Barley malt. (F.D.C. No. 45629. S. No. 39-886 R.)

QUANTITY: 456 100-lb. bags at Springfield, Ill., in possession of Reisch Brewing Co.

SHIPPED: 2-10-61, from Milwaukee, Wis.

LIBELED: 4-14-61, S. Dist. Ill.

CHARGE: 402(a) (3)—contained rodent excreta pellets and rodent urine; and 402(a) (4)—held under insanitary conditions.

DISPOSITION: 5-18-61. Default—destruction.

27315. Malting barley. (F.D.C. No. 45428. S. Nos. 42-961/2 R.)

QUANTITY: 224,000 lbs. at Manitowoc, Wis.

SHIPPED: 1-13-61 and 1-17-61, from Tulalake, Calif., by Newell Grain Growers Association, Inc.

LIBELED: 2-14-61, E. Dist. Wis.

CHARGE: 402(a) (3)—contained insects when shipped; and 402(a) (4)—held under insanitary conditions.

DISPOSITION: 3-7-61. Consent—claimed by Newell Grain Growers Association, Inc., Newell, Calif. Segregated; 20,465 lbs. destroyed.

CHOCOLATE PRODUCTS, CONFECTIONERY, AND HONEY

27316. Cacao beans, sweet ground chocolate and cocoa, raisin bars, and chocolate-flavored Flick-ettes. (F.D.C. No. 44933. S. Nos. 62-266 P, 62-269/70 P, 77-405 P, 77-442 P.)

INFORMATION FILED: 12-23-60, N. Dist. Calif., against D. Ghirardelli Co., a corporation, San Francisco, Calif., Harvey T. Ghirardelli, president, and Robert O. Ghirardelli, vice-president.

ALLEGED VIOLATION: On 11-2-59, while quantities of cacao beans were being held for sale after shipment in interstate commerce, the defendants caused the cacao beans to be held in a building accessible to insects and caused such beans to be exposed to contamination by insects by placing the beans in insect-infested blending equipment wherein they were mixed with other ingredients to make confections known as raisin bars (count 1) and Flick-ettes (count 3), and a product known as sweet ground chocolate and cocoa (count 2), which acts resulted in the cacao beans in such raisin bars, Flick-ettes, and chocolate and cocoa products being adulterated.

In addition, on 11-19-59, the defendants caused a number of packages of the Flick-ettes (count 5), and of the chocolate and cocoa products (count 4), which were adulterated, to be shipped from San Francisco, Calif., to Seattle, Wash.

LABEL IN PART: (Pkg.) "NET WEIGHT 1¾ OZ. GHIRARDELLI RAISIN BAR," "GHIRARDELLI SWEET GROUND CHOCOLATE AND COCOA * * * 1 LB. NET," and "GHIRARDELLI 6 OZ. [or "12 OZ."] NET WT. FLICK-ETTES CHOCOLATE FLAVORED."

CHARGE: 402(a) (3)—the articles contained whole insects, insect fragments, and rodent hair fragments; and 402(a) (4)—the articles were prepared, packed, or held under insanitary conditions.

PLEA: Nolo contendere by the corporation to counts 1, 4 and 5; and by the individuals to counts 2 and 3.

DISPOSITION: 2-24-61. Corporation fined \$750; each individual fined \$200.

27317. Candy. (F.D.C. No. 45592. S. Nos. 39-732/3 R.)

QUANTITY: 12 cases, 6 5-lb. boxes each, and 9 cases, 10 30-lb. boxes each, at Moline, Ill.

SHIPPED: 2-3-61, from Toledo, Ohio, by M. G. Shaghalian Co.

LABEL IN PART: (Case) "Tortettes Manufactured by M. G. Shaghalian Co., Boston, Mass., Toledo, Ohio" and "Debonair Chocolates * * * Milk Chocolate Double Dipped Virginia Peanuts Manufactured by M. G. Shaghalian Co., Boston, Mass., Toledo, Ohio."

LIBELED: 3-27-61, S. Dist. Ill.

CHARGE: 402(a)(3)—contained insect fragments; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 5-15-61. Default—destruction.

27318. Licorice. (F.D.C. No. 45609. S. No. 53-669 R.)

QUANTITY: 92 cases, 12 6½-oz. bags each, at Newport, Minn., in possession of J. P. Fritz Candy Co., Inc.

SHIPPED: 12-30-60, from Chicago, Ill.

LABEL IN PART: (Bag) "Fritzie Fresh Candies Licorice-Low Calorie Packed by Fritz Candy Co., Newport, Minn."

RESULTS OF INVESTIGATION: The article was shipped in bulk and was repacked by the dealer into the bags described above.

LIBELED: 4-3-61, Dist. Minn.

CHARGE: 403(a)—while held for sale, the label statement "Low Calorie" was false and misleading, since it was contrary to fact.

DISPOSITION: 5-26-61. Default—delivered to charitable institutions.

27319. Honey. (F.D.C. No. 45446. S. No. 38-878 R.)

QUANTITY: 57 cases, 12 jars each, at Lebanon, Mo.

SHIPPED: 1-12-61, from Batesville, Ark., by Vaughn Wilson.

LABEL IN PART: (Jar) "Wilson's Wild Flower Net Wt. 2 Lbs. U.S. Grade A Honey Produced & Packed by Vaughn Wilson, Route 4, Batesville, Arkansas."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 3-7-61, W. Dist. Mo.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 5-22-61. Consent—claimed by Vaughn Wilson, and repacked.

DAIRY PRODUCTS

BUTTER

27320. Butter. (F.D.C. No. 44622. S. Nos. 72-027 P, 72-032/3 P.)

INFORMATION FILED: 7-13-60, W. Dist. N.C., against Shelby Creamery Co., Inc., Shelby, N.C., and William M. Lineberger, president.

ALLEGED VIOLATIONS: On 2-21-57, the defendants gave to a firm engaged in the business of shipping butter in interstate commerce, a guaranty to the effect that butter delivered by the defendants under the guaranty would not be

adulterated. On 8-4-59 and 9-1-59, the defendants caused to be delivered to the holder of the guaranty at Charlotte, N.C., quantities of butter which were adulterated.

CHARGE: 402(a)(3)—contained ants, mites, and insect fragments, and decomposed cream had been used in the manufacture of the article.

PLEA: Nolo contendere.

DISPOSITION: 4-17-61. \$1,000 fine against the defendants jointly.

27321. Butter. (F.D.C. No. 45210. S. No. 23-197 R.)

INFORMATION FILED: 2-27-61, W. Dist. Okla., against John P. Burkey and Arthur A. Burkey, partners in the partnership of Burkey Creamery, Cushing, Okla.

ALLEGED VIOLATION: On 1-11-56, the defendants caused to be given to a firm engaged in the business of shipping butter in interstate commerce a guaranty to the effect that butter shipped by the defendants under the guaranty would not be adulterated. On 7-28-60, the defendants caused to be shipped to the holder of the guaranty a quantity of butter which was adulterated.

CHARGE: 402(a)(3)—contained insect fragments and mites, filth-contaminated cream had been used in the preparation of the article; and 402(a)(4)—the article had been prepared under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 4-13-61. Each defendant fined \$100.

CHEESE

27322. Swiss cheese. (F.D.C. No. 45915. S. No. 69-101 R.)

QUANTITY: 33 cases, each containing 1 carton of 12 6-oz. pkgs., at Chicago, Ill.

SHIPPED: 5-9-61, from Monroe, Wis., by Triangle Cheese Co.

LABEL IN PART: (Pkg. and ctn.) "Hoffman's Sliced Wisconsin Swiss Cheese
* * * J. S. Hoffman Company Chicago-Wisconsin-New York."

LIBELED: 6-5-61, N. Dist. Ill.

CHARGE: 402(b)(3)—when shipped, artificial holes, or eyes, had been cut into the cheese, thereby concealing inferiority of the product.

DISPOSITION: 6-20-61. Default—destruction.

EGGS

27323. Frozen eggs. (F.D.C. No. 45108. S. No. 2-328 R.)

QUANTITY: 345 30-lb. cans at Jacksonville, Fla.

SHIPPED: Prior to 11-16-59, from outside Florida.

LIBELED: 11-23-60, S. Dist. Fla.

CHARGE: 402(a)(3)—contained decomposed eggs when shipped.

DISPOSITION: 2-2-61. Consent—claimed by P. R. Harrell, Bainbridge, Ga. Segregated; 73 cans denatured.

27324. Frozen eggs. (F.D.C. No. 45625. S. No. 45-110 R.)

QUANTITY: 34 30-lb. cans at Billings, Mont.

SHIPPED: 12-8-60, from Seattle, Wash., by Klock Produce Co.

LIBELED: 4-13-61, Dist. Mont.

CHARGE: 402(a)(3)—contained decomposed eggs when shipped.

DISPOSITION: 5-22-61. Default—destruction.

27325. Incubator reject eggs. (F.D.C. No. 45733. S. Nos. 69-782/3 R.)

QUANTITY: 1 truckload of incubator reject eggs in the State of Delaware.

SHIPPED: 4-21-61, from Salisbury, Md., by A. W. Perdue & Son, Inc.

LIBELED: 4-20-61, Dist. Del.

CHARGE: 402(a)(3)—contained decomposed eggs and was otherwise unfit for food when shipped.

DISPOSITION: 5-11-61. Default—destruction.

FISH

27326. Frozen fish fillets. (F.D.C. No. 45734. S. Nos. 31-555/7 R.)

QUANTITY: 103 cases, each case containing approximately 40 lbs. of individually wrapped 8 to 10-oz. or 10 to 12-oz. frozen fish fillets in 5-lb. ctns., at Biloxi, Miss.

SHIPPED: Between 11-27-60 and 1-18-61, from Mexico, by Pescados del Sureste, Mariscos del Golfo, and Pesquerias de Golfo.

LABEL IN PART: (Case) "Product of Mexico Distributed by Star Sales Agency P.O. Box 539, Biloxi, Miss."; (ctn.) "Packed by Pescados del Sureste, S. A. Product of Mexico—Snapper Fillets Progreso, Yuc. Mexico."; (case) "Star Light Brand Snapper Fillets Packed by J. Robleda C. Calle 58 No. 475 Merida Yuc., Mexico"; (ctn.) "Packed by Pescados del Sureste, S. A. Progreso, Yuc. Mexico—Snapper Fillets"; and "Dist. by Star Sales Agency, Biloxi, Miss. Snappers."

RESULTS OF INVESTIGATION: Examination showed the product to be grouper fillets.

LIBELED: 4-24-61, S. Dist. Miss.

CHARGE: 403(a)—when shipped and while held for sale, the label statement "Snapper Fillets" was false and misleading; and 403(b)—grouper fillets were offered for sale under the name of another food, namely, snapper fillets.

DISPOSITION: 5-18-61. Consent—claimed by Star Sales Agency, Biloxi, Miss., and relabeled.

27327. Frozen frog legs. (F.D.C. No. 45774. S. Nos. 46-976/7 R, 46-979 R.)

QUANTITY: 320 10-lb. boxes at Detroit, Mich.

SHIPPED: 8-23-60, from New York, N.Y.

LIBELED: 5-5-61, E. Dist. Mich.

CHARGE: 402(a)(3)—contained decomposed frog legs while held for sale.

DISPOSITION: 6-13-61. Default—destruction.

27328. Frozen frog legs. (F.D.C. No. 45777. S. No. 20-714 R.)

QUANTITY: 10 10-lb. boxes at Detroit, Mich.

SHIPPED: 3-7-61, from New York, N.Y.

LIBELED: 5-5-61, E. Dist. Mich.

CHARGE: 402(a)(3)—contained decomposed frog legs while held for sale.

DISPOSITION: 6-21-61. Default—destruction.

FRUITS AND VEGETABLES

CANNED FRUIT

27329. Canned apricots. (F.D.C. No. 45760. S. No. 49-009 R.)

QUANTITY: 64 cases, 24 1-lb. 14-oz. cans each, at Denver, Colo.

SHIPPED: 1-19-61, from San Jose, Calif., by United States Products Corp., Ltd.

LABEL IN PART: (Can) "Dessert Cut Yacht Club Unpeeled Apricots Mixed Pieces of Irregular Sizes and Shapes * * * Consolidated Foods Corporation, Distributors, Chicago, Illinois" and (case) "Yacht Club Very Ripe Whole Unpeeled Apricots."

LIBELED: 5-4-61, Dist. Colo.

CHARGE: 402(a)(3)—when shipped, the article contained moldy pieces of apricot; 403(a)—the label statement (case) "Whole Unpeeled Apricots" was false and misleading as applied to a product consisting of apricot pieces of irregular sizes and shapes; and 403(g)(1)—the article failed to conform to the definition and standard of identity for canned apricots since the article was not pitted.

DISPOSITION: 6-19-61. Default—destruction.

27330. Canned peaches. (F.D.C. No. 45897. S. No. 16-248 R.)

QUANTITY: 283 cases, 24 1-lb. 14-oz. cans each, at Cincinnati, Ohio.

SHIPPED: 2-28-61 and 3-15-61, from Modesto, Calif., by Stanislaus Food Products Co.

LABEL IN PART: (Can) "A & P Sliced Yellow Freestone Peaches In Extra Heavy Syrup * * * The Great Atlantic and Pacific Tea Company, New York, N.Y., Distributor."

LIBELED: 5-18-61, S. Dist. Ohio.

CHARGE: 403(h)(2)—when shipped, the article fell below the standard of fill of container for canned peaches since there was not present in the container of the article the maximum quantity of the optional peach ingredient which can be sealed in the container and processed by heat so as to prevent spoilage, without crushing or breaking such ingredient, as required by regulations, and its label failed to bear, as required by regulations, a statement that it fell below such standard.

DISPOSITION: 6-21-61. Consent—claimed by Stanislaus Food Products Co., and relabeled.

DRIED FRUIT

27331. Raisins. (F.D.C. No. 45450. S. No. 24-331 R.)

QUANTITY: 117 30-lb. ctns. at Nebraska City, Nebr.

SHIPPED: 12-29-60, from Fresno, Calif., by Bonner Packing Co.

LABEL IN PART: "Bonner Extra Choice Golden Seedless Raisins—Bonner Packing Co Fresno California."

LIBELED: 3-7-61, Dist. Nebr.

CHARGE: 402(a)(3)—contained insect fragments, insect larvae, maggots, *Drosophila* fly eggs, and rodent hairs when shipped.

DISPOSITION: 3-17-61. Default—delivered to a public institution for use as animal feed.

27332. Raisins. (F.D.C. No. 45435. S. No. 46-653 R.)

QUANTITY: 125 30-lb. ctns. at Cleveland, Ohio.

SHIPPED: 12-29-60, from Fresno, Calif., by Bonner Packing Co.

LABEL IN PART: (Ctn.) "Bonner's Fancy Golden Raisins * * * Bonner Packing Company, Fresno, California."

LIBELED: 2-28-61, N. Dist. Ohio.

CHARGE: 402(a)(3)—contained *Drosophila* flies, fly fragments, parts, eggs, and maggots, and rodent hair fragments when shipped.

DISPOSITION: 5-24-61. Default—destruction.

27333. Raisins (3 seizure actions). (F.D.C. Nos. 45010, 45050, 45088. S. Nos. 7-793 R, 53-243 R, 53-443/4 R.)

QUANTITY: 29 and 90 30-lb. cases of seedless raisins at Boston, Mass.; and 400 and 66 30-lb. cases of seedless raisins at Charlestown, Mass.

SHIPPED: Between 12-17-59 and 7-28-60, from Fresno, Calif.

LIBELED: 10-10-60, 10-20-60, 11-7-60, Dist. Mass.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 12-6-60. Consolidated consent decree filed—claimed by Bonner Packing Co., and reconditioned.

VEGETABLES AND VEGETABLE PRODUCTS

27334. Canned peas. (F.D.C. No. 45133. S. No. 22-912 R.)

QUANTITY: 189 cases, 24 12-oz. cans each, at Joplin, Mo.

SHIPPED: 9-30-60 and 10-7-60, from Muskogee, Okla., by Griffin Grocery Co., Inc.

LABEL IN PART: (Can) "Star Cooked Dried Early June Peas * * * Griffin Manufacturing Company Packers and Distributors, Muskogee, Oklahoma."

LIBELED: 11-8-60, W. Dist. Mo.

CHARGE: 403(a)—when shipped, the vignette depicting succulent green peas was false and misleading as applied to this article which was prepared from dried peas; 403(g)(2)—the article purported to be and was represented as a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear the name, dried early June peas, as specified in such definition and standard, since its label bore the name "Cooked Dried Early June Peas"; and 403(h)(1)—the article fell below the standard of quality prescribed for canned peas, since it contained more than 25 percent by count of peas ruptured to a width of more than $\frac{1}{16}$ ", and the article was a smooth skin variety of peas, and the alcohol insoluble solids of peas in the container was more than 23.5 percent, and its label failed to bear a statement that it fell below such standard.

DISPOSITION: 12-8-60. Consent—claimed by Griffin Grocery Co., Inc., and relabeled.

27335. Canned mustard greens. (F.D.C. No. 45821. S. No. 16-932 R.)

QUANTITY: 156 cases, 24 15-oz. cans each, at Dayton, Ohio.

SHIPPED: 4-15-61, from Stigler, Okla., by Griffin Mfg. Co.

LABEL IN PART: (Can) "Griffin's Chopped Mustard Greens * * * Griffin Manufacturing Co. Packers and Distributors Muskogee, Okla."

LIBELED: 6-6-61, S. Dist. Ohio.

CHARGE: 402(a)(3)—contained insects, insect larvae, and insect parts when shipped.

DISPOSITION: 6-26-61. Default—destruction.

27336. Canned cut green beans. (F.D.C. No. 45360. S. No. 6-048 R.)

QUANTITY: 597 cases, 12 1-lb. 12-oz. cans each, at Baltimore, Md.

SHIPPED: 11-30-60, from Milton, Del., by Draper-King Cole, Inc.

LABEL IN PART: (Can) "Family Brand Cut Green Beans * * * Distributed by D. E. Foote & Co., Incorporated Baltimore, Maryland."

LIBELED: 1-23-61, Dist. Md.

CHARGE: 403(h)(1)—when shipped, the article fell below the standard of quality prescribed for canned cut green beans, since the trimmed pods of the article contained more than 25 percent by weight of seed and pieces of seed; and the deseeded pods contained more than 0.15 percent by weight of fibrous material, and its label failed to bear, as required by regulations, a statement that it fell below such standard.

DISPOSITION: 3-3-61. Consent—claimed by Draper-King Cole, Inc., and relabeled.

27337. Soybeans. (F.D.C. No. 45647. S. No. 50-083 R.)

QUANTITY: 77 100-lb. bags at Denver, Colo., in possession of Kojima Soybean Food.

SHIPPED: 1-11-60, from Stuttgart, Ark.

LIBELED: 4-28-61, Dist. Colo.

CHARGE: 402(a)(4)—held under insanitary conditions.

DISPOSITION: 6-6-61. Default—delivered to a public institution for use as animal feed.

27338. Lettuce. (F.D.C. No. 45799. S. No. 66-947 R.)

QUANTITY: 500 ctns., 24 heads of lettuce each, at East Peoria, Ill.

SHIPPED: 4-26-61, from Uvalde, Tex., by Cargil Produce Co.

LABEL IN PART: (Ctn.) "Lettuce C-RO Cargil Produce Co., Uvalde, Texas, U.S.A."

LIBELED: 5-15-61, S. Dist. Ill.

CHARGE: 402(a)(2)(B)—the article was a raw agricultural commodity and, when shipped, contained a pesticide chemical, namely, toxaphene, which is unsafe within the meaning of 408 since the quantity of such pesticide chemical on the article was not within the limits of the tolerance prescribed by regulations.

DISPOSITION: 5-31-61. Default—destruction.

NUTS AND NUT PRODUCTS

27339. Brazil nuts and mixed nuts. (F.D.C. No. 42540. S. Nos. 1-127/8 P, 44-216 P.)

QUANTITY: 178 cases, 24 1-lb. boxes each, and 50 cases, 12 2-lb. bags each, of brazil nuts; and 37 cases, 12 2-lb. bags each, of mixed nuts, at East Point, Ga.

SHIPPED: 10-31-58, from Chicago, Ill., by Robert L. Berner Co.

LABEL IN PART: (Box or bag)*“Holiday Brand Extra Fancy Nuts * * * Packed by Robert L. Berner Co., Chicago, Ill.”

LIBELED: 12-1-58, N. Dist. Ga.

CHARGE: 402(a)(3)—when shipped, all lots contained decomposed nuts and the mixed nuts also contained insects.

DISPOSITION: 178-case lot of brazil nuts. 1-14-59. Consent—claimed by Robert L. Berner Co. Segregation was unsuccessful and the lot was destroyed.

50-case lot of brazil nuts. 10-21-59. Consent—destruction.

37-case lot of mixed nuts. Robert L. Berner Co. appeared as claimant and filed an answer denying that the article was adulterated. The matter came on for trial before the court without a jury on 8-26-60, and at its conclusion the court took the matter under advisement for review of the record and consideration of the briefs and arguments of counsel. On 1-25-61, the court handed down the following opinion:

HOOPER, *District Judge*:

STATEMENT OF THE CASE

“In this Libel of Information the Government seeks to condemn some 178 cases of nuts, concerning which stipulation has been made between the parties. It also covers 37 cases of mixed nuts, each containing 12 bags, allegedly shipped in violation of 21 U.S.C.A., § 342(a)(3). That statute reads in effect that condemnation of food is required, and said food is adulterated ‘if it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for food’. The evidence of insect manifestation shows such a slight amount that it may be disregarded in this discussion. The primary question is whether or not under the evidence the mixed nuts in the 37 cases are adulterated by virtue of decomposition. Also to be considered is the question whether or not a printed circular issued by the Department of Health would have the effect of relieving claimant if the goods are otherwise entitled to condemnation.

“(1) Three tests were made concerning 37 cases of mixed nuts, one lot of 18 and another lot of 12 cases. From each case there were taken 2 bags of nuts, each case containing 12 bags. The analysis showed that the nuts correspond to the amount of decomposition as shown below:

TEST BY THE GOVERNMENT OF 18 CASES
NOVEMBER 14, 1958.

WALNUTS		100
	20 in some manner decomposed	
	1 insect infested	
	21% bad nuts	
ALMONDS		150
	4 decomposed	
	3 insect infested	
	6 shriveled	
	8.7% bad nuts	
PECANS		300
	24 decomposed	
	8% bad nuts	
FILBERTS		100
	2 blanks	
	2% bad nuts	
BRAZIL NUTS		500
	45 decomposed	
	1 live insect infestation	
	9% bad nuts	

TEST BY THE GOVERNMENT OF 12 CASES
MAY 14, 1959

BRAZIL NUTS		100
	4 decomposed	
	4% bad nuts	
ALMONDS		200
	3 decomposed	
	2 insect infestation	
	2½% bad nuts	
FILBERTS		100
	4 insect infestation	
	4% bad nuts	
WALNUTS		254
	15 decomposed	
	1 insect infestation	
	6.2% bad nuts	
PECANS		100
	2 decomposed	
	2% bad nuts	

TEST OF 12 CASES BY ROBERT L. BERNER CO.
FEBRUARY 12, 1959

ALMONDS		219
	3 faulty	
PECANS		106
	5 faulty	
BRAZIL NUTS		169
	13 faulty	
FILBERTS		197
	5 faulty	

“(2) This Court is ruling that the extent of decomposition shown as to each of the nuts is sufficient to demand a judgment of condemnation and is not so inconsequential as to require otherwise. The provisions of the statute in question have been strictly construed and it is not necessary for the Secretary to fix tolerances under 21 U.S.C.A., § 342(a) (3) relating to decomposition. See *United States vs. 449 Cases Tomato Paste*, 212 F. 2d 567; *Bruce's Juices vs. United States*, 194 F. 2d 935; *United States vs. Commercial Creamery Co.*, 43 F. Supp., 714.

“Claimant, however, contends that it is the duty of the Secretary to fix a tolerance regulating the food products herein involved (his contention that regulations have been issued therefor will be subsequently discussed herein). It should be noted, however, that the statute in question reads as follows:

‘Whenever in the judgment of the Secretary such action will promote honesty and fair dealing in the interest of consumers, he shall promulgate regulations fixing and establishing for any food, under its common or usual name so far as practicable, a reasonable definition and standard of identity, a reasonable standard of quality, and/or reasonable standards of fill of container.’ 21 U.S.C.A., § 341.

“To support his contention that the fixing of standards of tolerance are mandatory claimant cites *United States vs. 1500 Cases More or Less, of Tomato Paste*, 236 F. 2d 208 (7 Cir.). It does appear in that case that the Secretary with the consent of the industry involved did fix a tolerance of forty per cent for tomatoes, to be determined under the Howard Mold Count, and the court sustained a judgment of the trial court condemning the tomatoes wherein the mold exceeded said forty per cent, and reversing the judgment of the trial court releasing other tomatoes where the count exceeded said forty per cent. The court adopted the standard of forty per cent, stating as follows:

‘The Government and the canning industry must have taken into consideration the margin of error inherent in the Howard Molt Count system when they set 40 per cent as the tolerance. Any deviation from that figure on our part would be purely arbitrary without any evidence that error was more likely in one direction than the other.’

The court also stated :

‘The spirit of 21 U.S.C.A. §§ 346 and 346a demands that we give effect to what reasonable standards have been set by the Food and Drug Administration in the area involved in this case, and determine them as best we can where they have not yet been established.’

“This would negate any implication that the standards must be set by the Administration as to adulteration through decomposition under 21 U.S.C.A., § 342(a)(3) with which the court was there dealing.

“(3) Defendant has introduced in evidence a publication by Food and Drug Administration (1958 Revision) entitled ‘Requirements of the United States Food, Drug and Cosmetic Act, A Guide for Foreign Manufacturers and Shippers.’ It does not upon its face purport to be a regulation, nor does it appear it was adopted pursuant to law after notice was given to the industry involved. See *Dyestuffs and Chemicals, Inc., vs. Flemming*, 271 F. 2d 281, and *Federal Security Administrator vs. Quaker Oats Co.*, 318 U.S. 218. It is therefore not controlling in this case as an administrative determination of standard of quality concerning the relative amount of decomposition under 21 U.S.C.A. § 342(a)(3).

“It is of course always to be regretted if any administrative agency puts out any publication which might lead the industry to believe that a certain amount of tolerance will be permitted and then bring proceedings for condemnation for failure to comply with the strict terms of the statute. No express estoppel upon the part of the Food and Drug Administration is contended for and the question of estoppel is not before the Court. Several things concerning the publication however, should be noted :

“(a) The publication is entitled ‘A Guide for Foreign Manufacturers and Shippers.’ It will be noted that regulations of imports and exports are covered by Sub-chapter VIII of the Federal Food, Drug and Cosmetic Act commencing with 21 U.S.C.A., § 381.

“(b) It should also be noted that the publication in question under the title ‘Tolerances for Filth’ beginning on page 5 contains the following language :

‘The act does not authorize “tolerances” for filth or decomposition in foods. It states that a food is adulterated if it consists *in whole or in part* of a filthy, putrid, or decomposed substance.’ (Italics contained in said text)

“Under the title ‘Nuts and Nut Products’ beginning on page 26 appears the following :

‘While no “tolerances” for the above-mentioned defects are provided for by the Food, Drug, and Cosmetic Act, it has been well demonstrated that nuts in the shell should not contain over 10 percent by count of all such defects, and shelled nuts (nut meats) not over 5 percent. Deliberate mixing of good and bad lots to result in defects just under these figures is a basis for refusal of entry even though the percentage of defects in the mixed lots is under the above figures.’

“This Court is at a loss to understand why the department in question should in one instance emphasize the fact that no tolerances are allowed in cases of decomposition, and then subsequently in the same publication, in referring to all defects, make the statement

‘that nuts in the shell should not contain over ten percent by count of all such defects and shelled nuts (nut meats) over five percent.’

While there is nothing in the instant case to show that this claimant was misled by the last quoted language, it cannot be said that Foreign Manufacturers and Shippers might not take the language to indicate a standard which is different from the standard set up in 21 U.S.C.A., § 342(a)(3), as construed by the courts.

“In addition to the right in his discretion to provide by regulations for tolerances the Secretary of Health, Education, and Welfare is given a discretion in the institution of libel and other proceedings, it being provided that nothing in the act

‘shall be construed as requiring the Secretary to report for prosecution or for the institution of libel or injunction proceedings, minor viola-

tions of this chapter whenever he believes that the public interest will be adequately served by a suitable written notice or warning.' 21 U.S.C.A., § 336.

"The portion of the publication in question apparently referring to a possible ten percent tolerance in the case of nuts in the shell might possibly be taken as an expression of intention by the Secretary to exercise his discretion pursuant to the statute just quoted. In the instant case, however, the publication in question does not affect the decision.

"The Government within twenty days hereof shall present to the Court an order in accordance herewith."

On 3-9-61, the court entered a decree of condemnation; ordered the recovery from the claimant of court costs, expenses and storage charges; and ordered the destruction of the article.

27340. Shelled peanuts. (F.D.C. No. 45188. S. No. 31-845 R.)

QUANTITY: 296 125-lb. bags at Houston, Tex.

SHIPPED: 11-17-60, from Houston, Tex., to Dothan, Ala., and returned to Houston, Tex., on 12-8-60.

LIBELED: 12-15-60, S. Dist. Tex.

CHARGE: 402(a)(3)—contained insects and insect fragments while held for sale.

DISPOSITION: 5-29-61. Consent—claimed by Hou-Tex Peanut Co., Houston, Tex., and converted into animal feed.

27341. Shelled Spanish peanuts. (F.D.C. No. 45056. S. No. 37-067 R.)

QUANTITY: 35 124-lb. bags at Philadelphia, Pa.

SHIPPED: 8-30-60, from Moultrie, Ga.

LIBELED: 10-21-60, E. Dist. Pa.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 5-9-61. Consent—claimed by Heidelberger Confectionery Co., Philadelphia, Pa., and denatured for seed purposes.

27342. Shelled pecans. (F.D.C. No. 45595. S. Nos. 54-785/6 R.)

QUANTITY: 113 30-lb. cases at St. Louis, Mo.

SHIPPED: 1-23-61, from Searcy, Ark., by Thompson Co.

LABEL IN PART: (Case) "Thompson's * * * Pecans Large [or "Medium Cut" or "Bakers Mixed"] Pieces * * * Packed by the Thompson Co. Searcy, Ark."

LIBELED: 3-22-61, E. Dist. Mo.

CHARGE: 402(a)(3)—contained *E. coli*; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 4-27-61. Consent—claimed by Thompson Co., and reconditioned by placing in a chlorine solution, washing, and drying.

27343. Unshelled filberts (3 seizure actions). (F.D.C. Nos. 45155, 45156, 45157. S. Nos. 12-937 R, 13-013/4 R.)

QUANTITY: 76 cases, 24 1-lb. bags each, at Sheboygan, Wis.; and 403 cases, 24 1-lb. bags each, at Milwaukee, Wis.

SHIPPED: 10-29-60, from Portland, Oreg., by Hudson House, Inc.

LABEL IN PART: (Bag) "Pride of Oregon Brand Large Filberts * * * Packed by Hudson House, Inc., Portland, Ore."

LIBELED: 11-22-60, E. Dist. Wis.

CHARGE: 402(a)(3)—contained insect-infested, shriveled nuts, and empty shells when shipped.

DISPOSITION: 12-12-60. Consent—claimed by Hudson House, Inc. Segregated; 6,790 lbs. destroyed.

27344. Peanut butter. (F.D.C. No. 45602. S. Nos. 66-023/4 R.)

QUANTITY: 77 ctns., 1 33-lb. can each, at Jefferson City, Mo.

SHIPPED: 1-26-61 and 1-30-61, from Aubrey, Tex., by Choice Products Co., Inc.

LABEL IN PART: "Allen Peanut Butter."

LIBELED: 3-27-61, W. Dist. Mo.

CHARGE: 402(a)(3)—contained insect fragments when shipped.

DISPOSITION: 5-17-61. Default—a portion was fed to animals and the remainder destroyed.

OILS AND FATS

27345. Spry shortening. (F.D.C. No. 44679. S. Nos. 3-433/4 R.)

QUANTITY: 101 cases, 36 14-oz. cans each, and 107 cases, 12 2-lb. 10-oz. cans each, at Landover, Md.

SHIPPED: 5-17-60 and 6-2-60, from Edgewater, N.J., by Lever Bros. Co.

LABEL IN PART: (Can) "New! Light SPRY * * * Pure All-Vegetable Shortening Made of partially hydrogenated vegetable oil; contains no animal fat. Lever Brothers Company, New York, N.Y. * * * 226 Fewer Calories Per Cup than any other shortening . . . * * * makes everything you bake less fattening! * * * made by a revolutionary new process that actually WHIPS OUT calories."

LIBELED: 6-20-60, Dist. Md.

CHARGE: 402(b)(4)—when shipped, nitrogen had been added to the article to increase its bulk and reduce its strength; 403(a)—the label statements "226 Fewer Calories Per Cup than any other shortening," "Lower in calories," and "made by a revolutionary new process that actually whips out calories," were false and misleading since the label failed to reveal the material fact that the article had the same caloric content as shortening generally on the basis of calories per gram of fat, and that when used for frying the article would add the same number of calories to the fried foods as shortening generally, and the process of manufacture merely increased the volume of the article without reduction of its caloric content per gram of the article; 403(a)—the label statement "new light Spry makes everything you bake less fattening!" was false and misleading since it was contrary to fact; 403(a)—the label statements "Introductory Offer! 3¢ [or "5¢"] Off—regular price of this can" were false and misleading since the article was being marketed on an introductory basis and no regular price of the article had been established or was stated on the label; 403(d)—the package was so made, formed, or filled as to be misleading; and 403(i)(2)—the label of the article failed to declare the common or usual name of each ingredient since nitrogen was not declared.

DISPOSITION: Lever Bros. Co. appeared as claimant and represented to the court that it was no longer using the labeling which was the subject of the charges in the libel. Consequently, although the claimant denied that the article under seizure was in violation of the law, the claimant believed that no useful purpose would be served by contesting the charges of the libel and consented to the entry of a decree. On 10-7-60, the court entered a decree providing for condemnation of the article and its delivery for the use of a charitable institution.

OLEOMARGARINE

27346. Margarine. (F.D.C. No. 45293. S. No. 3-416 R.)

QUANTITY: 528 cases, 30 1-lb. pkgs. each, at Washington, D.C.

SHIPPED: Between 11-12-60 and 12-12-60, from Hillside, N.J., by Kraft Foods.

LABEL IN PART: (Pkg.) "Important News! Parkay now has Extra Nourishment! * * * Kraft's Parkay * * * Margarine * * * 4 Quarters * * * New Parkay supplies you and your family with healthful extra nourishment . . . at no extra cost. In fact, new Parkay contains more Vitamin A, more Vitamin D, more protein, more calcium and more phosphorus, than any other leading spread.* New Parkay even contains important liquid vegetable oil! * * * Kraft Foods, Chicago 90, Ill., Div. National Dairy Products Corp."

LIBELED: 12-14-60, Dist. Columbia.

CHARGE: 403(a)—when shipped, the label statements "Extra Nourishing," "supplies you and your family with healthful extra nourishment" and "Extra Nourishment!" represented and suggested that the article contained a significantly greater nourishment than margarine and similar spreads generally available, which representations and suggestions were false and misleading since they were contrary to fact; and the label statement "In fact, new Parkay contains more Vitamin A, more Vitamin D, more protein, more calcium and more phosphorus, than any other leading spread," represented and suggested that the article was of greater nutritional value because it contained significantly greater amounts of vitamin A, vitamin D, protein, calcium, and phosphorus than margarine and other similar spreads generally available, and that the article contained significant amounts of protein, calcium, and phosphorus for special dietary use, which statement was false and misleading since it was contrary to fact; and 403(f)—the article was margarine, and the name of the food "Margarine" was not prominently placed on its label or labeling with such conspicuousness (as compared with other words, statements, designs or devices in the labeling), as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 6-2-61. Default—destruction.

**VITAMIN, MINERAL, AND OTHER PRODUCTS OF
SPECIAL DIETARY SIGNIFICANCE**

27347. Bonaid tablets. (F.D.C. No. 45759. S. No. 20-522 R.)

QUANTITY: 12 cases, 12 600-tablet btls. each, at Detroit, Mich.

SHIPPED: 12-6-60, from Cleveland, Ohio, by Strong Cobb-Arner.

LABEL IN PART: (Btl.) "Bonaid * * * A Dietary Supplement for Prevention of Skeletal Decalcification Each tablet contains natural bone phosphate plus 200 U.S.P. units of vitamin D synthetic. * * * LM. & W. Product Co., Distributors Detroit, Mich."

LIBELED: 5-1-61, E. Dist. Mich.

CHARGE: 403(j)—when shipped, the article purported to be and was represented as a food for special dietary use by reason of its mineral content and its label failed to bear, as required by regulations, a statement of the quantity of calcium and phosphorus in a specified quantity of such food, and a state-

ment of the proportion of the minimum daily requirement for calcium and phosphorus supplied by such food when consumed in a specified quantity during a period of one day.

DISPOSITION: 6-15-61. Default—destruction.

27348. Calferamin capsules. (F.D.C. No. 45923. S. No. 12-649 R.)

QUANTITY: 253 100-capsule btls. at Milwaukee, Wis.

SHIPPED: 12-8-60, from Chicago, Ill.

RESULTS OF INVESTIGATION: Analyses showed that the article contained less than 50 percent of the declared amount of vitamin D.

LIBELED: 6-2-61, E. Dist. Wis.

CHARGE: 402(b) (1)—while held for sale, the valuable constituent, vitamin D, had been in part omitted or abstracted from the article; and 403(a)—the label statement "Each Capsule Contains: * * * Vitamin D 400 U.S.P. Units" was false and misleading.

DISPOSITION: 6-22-61. Default—destruction.

27349. Nyal Geriatric Vitamin Capsules. (F.D.C. No. 45772. S. No. 34-371 R.)

QUANTITY: 60 100-capsule btls. and 42 50-capsule btls. at Yonkers, N.Y.

SHIPPED: During October 1960, from Elizabeth, N.J., by Pharmacaps, Inc.

LABEL IN PART: (Btl.) "Nyal Geriatric Vitamin Capsules with Vitamin B₁₂ and Folic Acid plus Minerals Ingredients in each capsule: * * * Riboflavin B₂—5 mg. * * * Vitamin B-12 3 mcg. * * * Folic Acid—0.5 mg. * * * As a dietary supplement * * * Average Dose: One capsule daily, or as directed * * * Nyal Company, Inc., Distributors New York, N.Y."

RESULTS OF INVESTIGATION: Analysis showed that the article contained approximately 50 percent of the declared amount of riboflavin, and approximately 50 percent of the declared amount of vitamin B₁₂.

LIBELED: 5-19-61, S. Dist. N.Y.

CHARGE: 402(a) (2) (C)—when shipped, the article contained a food additive, namely, folic acid, which is unsafe within the meaning of 409, since it and its use or intended use were not in conformity with a regulation or exemption in effect pursuant to 409; 402(b) (1)—while held for sale, the valuable constituents, riboflavin and vitamin B₁₂, had been in part omitted or abstracted from the article; 403(a)—when shipped, the name "Geriatric Vitamin Capsule with Vitamin B₁₂ and Folic Acid plus Minerals" was false and misleading since it suggested and implied that the nutritional requirements of older people are different from adults generally, whereas, such is not the case; and the label statement "The need for dl-Methionine * * * potassium * * * in human nutrition has not been established" was false and misleading since it was contrary to fact; and 403(a)—while held for sale, the label statements "Riboflavin B₂—5 mg." and "Vitamin B-12—3 mcg." were false and misleading.

DISPOSITION: 6-7-61. Default—destruction.

27350. Slen-Cal 900 Calorie Food Concentrate. (F.D.C. No. 45705. S. No. 34-555 R.)

QUANTITY: 252 cans and 7 ctns. of bulk stock consisting of 6 unopened ctns. containing approximately 50 lbs., and 1 partially full carton, at Bronx, N.Y., in possession of Robert Daniels & Co., Inc.

SHIPPED: 11-28-60, from Jersey City, N.J.

LABEL IN PART: (Can) "Slen-Cal 900 Calorie Food Concentrate (rubber stamped "Chocolate Flavored") Dietary For Calorie Control Robert Daniels & Co., Inc. * * * New York, N.Y. * * * Slen-Cal is a Complete Food, nutritionally balanced, in powder form, combining blends of protein, fat, carbohydrate, vitamins and minerals. It contains no drugs or artificial bulk. * * * Ingredients: Lecithinated soya flour, sucrose, non-fat milk solids * * * Approximate Analysis Protein (NX 6.25) 30.83%; Fat 5.29%; Carbohydrate 53.3%."

RESULTS OF INVESTIGATION: Examination showed that the composition of the article varied widely, approximately as follows: protein, 70 percent to 95 percent; fat, 50 percent to 144 percent; calcium, 80 percent to 168 percent; phosphorous, 123 percent to 235 percent; and iron, 63 percent to 191 percent, of the declared amounts of these ingredients. The article in the cans was repacked by the dealer from bulk cartons shipped as described above.

LIBELED: 4-12-61, S. Dist. N.Y.

CHARGE: 402(b)(1)—while held for sale, the valuable constituents, protein, fat, calcium, and iron had been in part omitted or abstracted from the article; 403(a)—the label statements "Protein * * * 30.83%; Fat 5.29%; Carbohydrate 53.3%" and "One-half pound of powder supplies the following: * * * Calcium (2.0 Gm.) * * * Phosphorus (2.0 Gm.) * * * Iron (15.0 mg.) * * *" "Copper * * * Need in human nutrition has not been established"; "Slen-Cal is a Complete Food, nutritionally balanced"; and "Food Concentrate," were false and misleading since they were contrary to fact; and 403(i)(2)—the article was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient since "Lecithinated soya flour," "Sucrose" and "Non-fat milk solids," are not the common or usual names of those ingredients.

DISPOSITION: 4-27-61. Default—destruction.

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¹ (27339) Seizure contested. Contains opinion of the court.

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Cargil Produce Co.:		chocolate and cocoa, raisin	
lettuce -----	27338	bars, and chocolate-flavored	
Certified Grocers of Florida, Inc.:		Flick-ettes -----	27316
flour and rice-----	27304	Ghirardelli, H. T.:	
Choice Products Co., Inc.:		cacao beans, sweet ground	
peanut butter-----	27344	chocolate and cocoa, raisin	
City Wide Wholesale Grocery Co.		bars, and chocolate-flavored	
See Copilevitz, S. B.		Flick-ettes -----	27316
Consolidated Foods Corp.:		Ghirardelli, R. O.:	
canned apricots-----	27329	cacao beans, sweet ground	
Copilevitz, S. B.:		chocolate and cocoa, raisin	
quick cooking oats, cornmeal,		bars, and chocolate-flavored	
and macaroni-----	27312	Flick-ettes -----	27316
Daniels, Robert, & Co., Inc.:		Grass, I. J., Noodle Co., Inc.:	
Slen-Cal 900 Calorie Food		flour -----	27303
Concentrate -----	27350	Griffin Grocery Co., Inc.:	
de Golfo, Pesquerias:		canned peas-----	27334
frozen fish fillets-----	27326	Griffin Manufacturing Co.:	
del Golfo, Mariscos:		canned mustard greens-----	27335
frozen fish fillets-----	27326	canned peas-----	27334

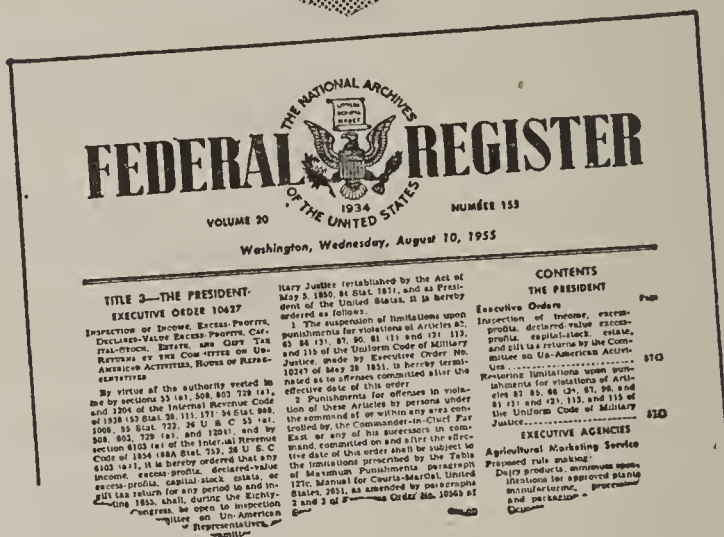
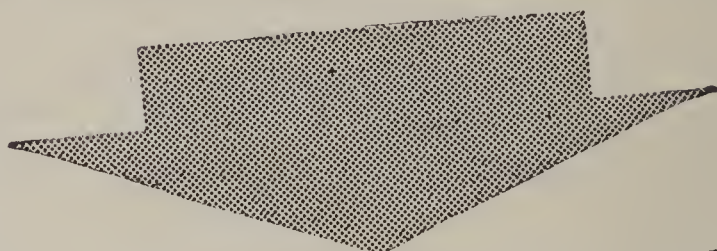
¹ (27339) Seizure contested. Contains opinion of the court.

	N.J. No.		N.J. No.
Habel, Armbruster & Larsen Co. :		Pharmacaps, Inc. :	
flour -----	27302	Nyal Geriatric Vitamin Cap-	
Hoffman, J. S., Co. :		sules -----	27349
Swiss cheese -----	27322	Reisch Brewing Co. :	
Hudson House, Inc. :		barley malt -----	27314
unshelled filberts -----	27343	River Brand Rice Mills, Inc. :	
Klock Produce Co. :		rice -----	27305
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Products Corp. :		Stanislaus Food Products Co. :	
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Lever Bros. Co. :		Star Sales Agency :	
Spry shortening -----	27345	frozen fish fillets -----	27326
Lineberger, W. M. :		Strong Cobb-Arner :	
butter -----	27320	Bonaid tablets -----	27347
LM. & W. Product Co. :		Thompson Co. :	
Bonaid tablets -----	27347	shelled pecans -----	27342
National Dairy Products Corp.		Triangle Cheese Co. :	
<i>See Kraft Foods.</i>		Swiss cheese -----	27322
Newell Grain Growers Associa-		United States Products Corp.,	
tion, Inc. :		Ltd. :	
malting barley -----	27315	canned apricots -----	27329
Nyal Co., Inc. :		Upham Farmers Elevator Co. :	
Nyal Geriatric Vitamin Cap-		wheat -----	27309
sules -----	27349	West Coast Grocery Co. :	
Peavey Elevators :		rice -----	27306
wheat -----	27311	Wilson, Voughn :	
Perdue, A. W., & Son., Inc. :		honey -----	27319
incubator reject eggs -----	27325	Wymore Grain Co. :	
		wheat -----	27310

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U.S. Department of Health, Education, and Welfare
FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,
DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

27351-27400

FOODS

The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were adulterated or misbranded within the meaning of the Act when introduced into and while in interstate commerce, or while held for sale after shipment in interstate commerce. These cases involve seizure proceedings in which decrees of condemnation were entered after default, or consent. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation.

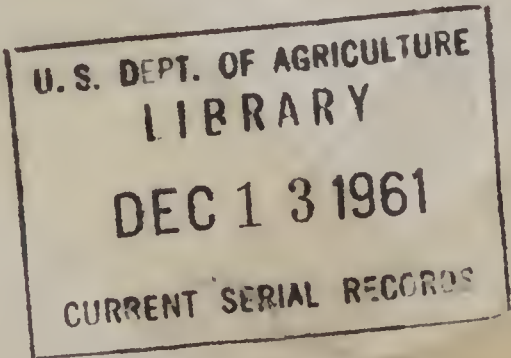
Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D.C., November 15, 1961.

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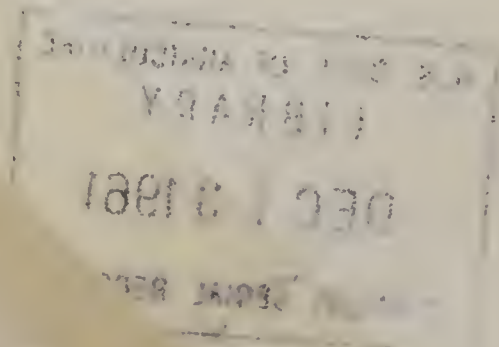
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**SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS
REPORTED IN F.N.J. NOS. 27351-27400**

Adulteration, Section 402(a) (2) (B), the article was a raw agricultural commodity and contained a pesticide chemical which was unsafe within the meaning of Section 408(a); Section 402(a) (2) (C), the article contained a food additive which was unsafe within the meaning of Section 409; Section 402(a) (3), the article consisted in whole or in part of a filthy, putrid, or decomposed substance, or it was otherwise unfit for food; Section 402(a) (4), the article had been prepared, packed, or held under insanitary conditions whereby it might have become contaminated with filth; Section 402(a) (5), the article was in whole or in part the product of a diseased animal; Section 402(b) (1), a valuable constituent had been in whole or in part omitted or abstracted from the article; Section 402(b) (2), another substance had been substituted in whole or in part for the article; Section 402(b) (4), a substance had been added to the article or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it was; Section 408(a), a pesticide chemical deemed unsafe had been added to a raw agricultural commodity and (1) no tolerance had been prescribed by the Secretary of Health, Education, and Welfare, or the quantity of such pesticide chemical in or on the raw agricultural commodity was not within the limits of the tolerance so prescribed, and (2) the pesticide chemical had not been exempted from the requirement of a tolerance; and Section 409, a food additive was deemed to be unsafe because the food additive, and its use or intended use, failed to conform to the terms of an effective exemption or because there was not in effect, or the food additive and its use or intended use failed to be in conformity with, a regulation prescribing conditions for safe use.

Misbranding, Section 403(a), the labeling of the article was false and misleading; Section 403(c), the article was an imitation of another food, and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; Section 403(e) (2), the article was in package form, and it failed to bear a label containing an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; Section 403(g) (1), the article purported to be or was represented as a food for which a definition and standard of identity had been prescribed by regulations and the article failed to conform to such definition and standard; Section 403(h) (1), the article purported to be or was represented as a food for which a standard of quality had been prescribed by regulations, and its quality fell below such standard; Section 403(i) (2), the article was not subject to the provisions of Section 403(g) and the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient; and Section 403(j), the article purported to be and was represented for special dietary uses, and its label failed to bear such information concerning its vitamin, mineral, and other dietary properties as the Secretary has determined to be, and by regulation prescribed as, necessary in order fully to inform purchasers as to its value for such uses.



CEREALS AND CEREAL PRODUCTS**MACARONI AND NOODLE PRODUCTS**

27351. Egg noodles. (F.D.C. No. 45620. S. No. 61-684 R.)

QUANTITY: 48 cases, 12 12-oz. pkgs. each, at Omaha, Nebr.

SHIPPED: 6-23-58, from Minneapolis, Minn.

LIBELED: 4-7-61, Dist. Nebr.

CHARGE: 402(a)(3)—contained insects and insect excreta.

DISPOSITION: 5-11-61. Default—delivered to a public institution for use as animal feed.

MISCELLANEOUS CEREALS

27352. Quick cooking oats. (F.D.C. No. 45440. S. No. 29-678 R.)

QUANTITY: 57 cases, 12 2-lb. 10-oz. pkgs. each, at Hopkins, Minn.

SHIPPED: 1-26-61, from Keokuk, Iowa, by General Mills, Inc.

LABEL IN PART: (Pkg.) "Red Owl Quick Cooking Oats Red Owl Stores, Inc. Distributor, Minneapolis, Minn."

LIBELED: 3-6-61, Dist. Minn.

CHARGE: 402(a)(3)—contained rodent excreta pellets and rodent hair fragments when shipped.

DISPOSITION: 4-25-61. Default—converted into animal feed.

27353. Unpopped popcorn. (F.D.C. No. 45425. S. No. 68-281 R.)

QUANTITY: 65,000 lbs. at Hugo, Okla., in possession of Red River Valley Popcorn Co.

SHIPPED: During September and October 1960, from Texas.

LIBELED: 2-13-61, E. Dist. Okla.

CHARGE: 402(a)(3)—contained insects; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 2-24-61. Consent—claimed by Red River Valley Popcorn Co. Segregated; 6,571 lbs. denatured for use as animal feed.

27354. Rice. (F.D.C. No. 45405. S. No. 64-682 R.)

QUANTITY: 47 100-lb. bags at Oakland, Calif., in possession of Cheney Bros.

SHIPPED: 12-16-60, from Abbeville, La.

LIBELED: 1-25-61, N. Dist. Calif.

CHARGE: 402(a)(3)—contained bird excreta; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 2-15-61. Consent—claimed by Cheney Bros. Food Products Co., Oakland, Calif. Segregated; 12 bags denatured for use as animal feed.

27355. Rice. (F.D.C. No. 45322. S. No. 34-330 R.)

QUANTITY: 80 bales, 6 10-lb. bags each, at Brooklyn, N.Y.

SHIPPED: 11-9-60, from DeWitt, Ark., by Smith Rice Mills.

LABEL IN PART: (Bag) "Goya Brand 'Blue Rose' Type Enriched with Vitamin B₁, Niacin and Iron Extra Fancy Rice Packed for Unanue & Sons, Inc., Brooklyn, N.Y."

RESULTS OF INVESTIGATION: Examination showed that the article was rice coated with glucose and talc.

LIBELED: 1-12-61, E. Dist. N.Y.

CHARGE: 403(a)—when shipped, the statement in its labeling, namely, the bag label "The need for niacin in human nutrition has not been established" was false and misleading; and 403(g)(1)—the article failed to conform to the definition and standard of identity for enriched rice, since the article did not contain riboflavin; and since the definition and standard of identity for enriched rice does not include rice coated with talc and glucose and known as coated rice.

DISPOSITION: 6-6-61. Consent—claimed by Unanue & Sons, Brooklyn, N.Y., and relabeled.

27356. Wheat. (F.D.C. No. 44134A. S. No. 24-883 R.)

QUANTITY: 120,000 lbs. at Kansas City, Mo.

SHIPPED: 4-6-60, from Kimball, Nebr., by Olsen Grain Co.

LIBELED: 4-20-60, W. Dist. Mo.

CHARGE: 402(a)(3)—contained insect-damaged kernels when shipped.

DISPOSITION: 4-27-60. Consent—claimed by J. Lynch & Co., Inc., Salina, Kans., and converted into animal feed.

27357. Wheat. (F.D.C. No. 44118. S. No. 23-483 R.)

QUANTITY: 120,000 lbs. at Kansas City, Kans.

SHIPPED: 3-28-60, from Blakeman, Kans., to Kansas City, Mo., by Bartlett Grain Co., and reshipped to Kansas City, Kans.

LIBELED: 4-13-60, Dist. Kans.

CHARGE: 402(a)(3)—contained rodent excreta pellets and insect-damaged kernels.

DISPOSITION: 6-28-60. Consent—claimed by Bartlett Grain Co. Segregated; 11,820 lbs. denatured.

27358. Wheat. (F.D.C. No. 45452. S. No. 49-573 R.)

QUANTITY: 80,110 lbs. at Ogden, Utah.

SHIPPED: 2-20-61, from Harlowton, Mont., by Montana Elevator Co.

LIBELED: 3-7-61, Dist. Utah.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 3-16-61. Consent—claimed by Montana Elevator Co., Great Falls, Mont., and converted into animal feed.

27359. Wheat. (F.D.C. No. 45624. S. Nos. 29-869 R, 52-589 R.)

QUANTITY: 123,000 lbs. at Minneapolis, Minn.

SHIPPED: 3-18-61, from Baker, Mont., by Equity Cooperative Association.

LIBELED: 4-11-61, Dist. Minn.

CHARGE: 402(a)(2)(B)—the article was a raw agricultural commodity and, when shipped, contained a pesticide chemical, namely, a mercurial compound, which is unsafe within the meaning of 408(a) since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on wheat has been prescribed by regulations.

DISPOSITION: 4-17-61. Consent—claimed by Farmers Union Grain Terminal Association, St. Paul, Minn. Segregated; 44,150 lbs. destroyed.

27360. Wheat. (F.D.C. No. 45813. S. No. 57-552 R.)

QUANTITY: 121,200 lbs. at Seattle, Wash.

SHIPPED: 5-13-61, from Poplar, Mont., by Occident Elevator Co.

LIBELED: 5-25-61, W. Dist. Wash.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 5-26-61. Consent—claimed by Occidental Elevator, Div. of Russell-Miller Milling Co., Minneapolis, Minn., and converted into animal feed.

27361. Wheat. (F.D.C. No. 45841. S. Nos. 55-426 R, 56-060 R.)

QUANTITY: 237,600 lbs. at Spokane, Wash.

SHIPPED: 6-1-61 and 6-6-61, from Joplin, Mont., by Greely Elevator Co.

LIBELED: 6-16-61, E. Dist. Wash.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 6-21-61. Consent—claimed by Greely Elevator Co., and converted into animal feed.

CHOCOLATE PRODUCT AND CONFECTIONERY

CHOCOLATE PRODUCT

27362. Chocolate topping. (F.D.C. No. 45539. S. No. 55-916 R.)

QUANTITY: 20 50-lb. cases at Seattle, Wash., in possession of Hullin Terminal Warehouse Co., Inc.

SHIPPED: On various dates in 1960, from Buffalo, N.Y.

LIBELED: 3-29-61, W. Dist. Wash.

CHARGE: 402(a)(3)—contained mold, insect and rodent filth; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 4-26-61. Default—delivered to a Federal institution for use as animal feed.

CONFECTIONERY

27363. Candy. (F.D.C. No. 46045. S. Nos. 65-991/3 R.)

QUANTITY: 25 boxes, 100 individually cellophane-wrapped Krunch candy bars each, and 8 boxes, 100 individually cellophane-wrapped Peco candy bars each, at Memphis, Tenn.

SHIPPED: 5-15-61 and 5-22-61, from North Little Rock, Ark., by Hoffman Candy Co.

LABEL IN PART: (Insert label) "Krunch * * * 2 Oz. or over Sugar, Corn Syrup, Peanut Butter and Salt Hoffman Candy Company, North Little Rock, Ark." and "Peco Bar * * * 2 Oz. or over Sugar, Peanuts, Corn Syrup, Coconut Soda and Salt Hoffman Candy Company, North Little Rock, Ark."

RESULTS OF INVESTIGATION: Examination showed the Krunch to be a hard candy bar having a caramel odor and peanut butter flavor, and the Peco Bar to be a peanut brittle-type candy bar containing a puffed cereal product which was not declared on the label. The articles were short weight. The average

shortage was found to be (Krunch) 0.13 ounces, or 6.50 percent, and (Peco Bar) 0.22 ounces, or 11.0 percent.

LIBELED: 6-23-61, W. Dist. Tenn.

CHARGE: 403(e) (2)—when shipped, the labels of the articles failed to bear an accurate statement of the quantity of the contents; and (Peco Bar) 403(i) (2)—the article was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient, since the cereal product ingredient had not been declared.

DISPOSITION: 6-28-61. Default—delivered to charitable institutions.

DAIRY PRODUCTS

BUTTER

27364. Butter. (F.D.C. No. 43762. S. No. 63-322 R.)

QUANTITY: 28 cases, 10 1-lb. prints each, at Chattanooga, Tenn.

SHIPPED: 5-15-61, from Louisville, Ky., by Armour Creameries.

LABEL IN PART: (Case) "Armour Star Cloverbloom Butter Made from Sweet Cream Armour Creameries Distributors General Office Chicago, Illinois."

LIBELED: 5-18-61, E. Dist. Tenn.

CHARGE: 402(b) (2)—when shipped, a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: 6-16-61. Default—delivered to a charitable institution.

27365. Butter. (F.D.C. No. 43761. S. No. 59-175 R.)

QUANTITY: 67 64-lb. boxes at Chicago, Ill.

SHIPPED: 6-8-61, from Sully, Iowa, by Sully Co-op. Exchange Creamery.

LIBELED: 6-16-61, N. Dist. Ill.

CHARGE: 402(b) (2)—when shipped, a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: 6-23-61. Consent—claimed by Berkshire Foods, Inc., Chicago, Ill., and reworked.

CHEESE

27366. Cheese. (F.D.C. No. 45935. S. No. 69-637 R.)

QUANTITY: 3,233 lbs. total, in 76 cases, at Philadelphia, Pa.

SHIPPED: 4-25-61, from Red Oak, Ill., by Red Oak Dairy.

LABEL IN PART: (Case) "Illinois Cheddar Cheese Made From Pasteurized Milk Approved Plant 536 1764 Apr 15 1961 [or Apr 16, 18 and 20]."

LIBELED: 6-7-61, E. Dist. Pa.

CHARGE: 403(a)—when shipped, the label statement "Made From Pasteurized Milk" was false and misleading; and 403(g) (1)—the article failed to conform to the definition and standard of identity for cheddar cheese, since the milk used in the preparation of the article was not pasteurized and the cheese had not been cured at a temperature of 35° F. for a period of 60 days.

DISPOSITION: 7-6-61. Consent—claimed by M. Wildstein & Sons, Philadelphia, Pa., and released for conversion into pasteurized process cheese.

EGGS

27367. Frozen eggs. (F.D.C. No. 44599. S. No. 12-549 R.)

QUANTITY: 512 30-lb. cans at Chicago, Ill.

SHIPPED: 4-27-60, from Burbank, Calif., by Sunland Egg Farms.

LABEL IN PART: (Tag) "Whole Eggs * * * Packed and Distributed by Brasher Bros. Burbank Egg Co. 512 S. Verdugo Dr. Burbank, California."

LIBELED: 5-31-60, N. Dist. Ill.

CHARGE: 402(a) (3)—contained decomposed eggs when shipped.

DISPOSITION: 6-21-60. Consent—claimed by Sunland Egg Farms, Los Angeles, Calif. Segregated; 168 cans destroyed.

FEEDS AND GRAINS

27368. Animal feed. (F.D.C. No. 45783. S. No. 535 P.)

QUANTITY: 370 100-lb. bags at Muskogee, Okla.

SHIPPED: 11-30-60, from Stuttgart, Ark., by Riceland Feed Mill.

LABEL IN PART: (Tag) "Rice Mill By-Product * * * Guaranteed Analysis Protein Not Less than 6.00% Fat Not less than 3.00%; Fiber not more than 32.00% * * * Manufactured by Riceland Feed Mill Stuttgart, Arkansas."

RESULTS OF INVESTIGATION: Analysis showed that the article contained an excessive amount of fiber, and was deficient in protein and fat content.

LIBELED: 5-8-61, E. Dist. Okla.

CHARGE: 403(a)—when shipped, the label statements "Protein Not Less than 6.00%; Fat Not less than 3.00%; Fiber not more than 32.00%" were false and misleading.

DISPOSITION: 6-30-61. Default—destruction.

FISH AND SHELLFISH

27369. Frozen ocean perch fillets (3 seizure actions). (F.D.C. Nos. 45616, 45622, 45623. S. Nos. 20-413 R, 20-415 R, 46-980/1 R.)

QUANTITY: 289 ctns., 10 5-lb. pkgs. each; 76 ctns., 5 10-lb. pkgs. each; and 1,296 cases, 12 1-lb. pkgs. each; at South Bend, Ind.

SHIPPED: Between 2-14-61 and 3-20-61, from Portland, Maine, by Portland Fish Co., Inc.

LABEL IN PART: (Pkg.) "State-O-Maine Brand Ocean Perch Fillets * * * Quick Frozen Sea Food Portland Fish Company, Inc., Portland Maine"; "State-O-Maine Brand Frozen Fresh * * * Ocean Perch Fillets Uncooked * * * Distributed by: Portland Fish Company, Inc., Portland, Maine"; and "Ocean Perch."

LIBELED: 4-12-61, N. Dist. Ind.

CHARGE: 402(a) (3)—contained parasitic copepods when shipped.

DISPOSITION: 5-4-61. Consent—claimed by Portland Fish Co., Portland, Maine. Segregated; 9,895 lbs. destroyed.

27370. Frozen ocean perch fillets. (F.D.C. No. 45423. S. No. 2-866 R.)

QUANTITY: 145 ctns., 12 1-lb. pkgs. each, at Macon, Ga.

SHIPPED: 1-6-61, from Boston, Mass., by Fulham Bros., Inc.

LABEL IN PART: (Ctn.) "4 Fishermen Brand Packed by Fulham Brothers, Inc., Boston * * * Portland * * * Perch" and (pkg.) "Distributed by Fulham Brothers, Inc., Boston, Mass., Portland, Me. 4 Fishermen Brand Frozen Ocean Perch Fillets."

LIBELED: 2-13-61, M. Dist. Ga.

CHARGE: 402(a)(3)—contained decomposed fish fillets when shipped; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 6-28-61. Default—destruction.

27371. Frozen frog legs. (F.D.C. No. 45775. S. Nos. 20-713 R, 20-717 R, 21-957 R, 21-959 R, 48-072 R.)

QUANTITY: 374 10-lb. boxes at Detroit, Mich.

SHIPPED: Between June 1960 and Oct. 21, 1960, from New York, N.Y.

LIBELED: 5-5-61, E. Dist. Mich.

CHARGE: 402(a)(3)—contained decomposed frog legs while held for sale.

DISPOSITION: 6-15-61. Default—destruction.

FRUITS AND VEGETABLES

CANNED FRUIT

27372. Canned blueberries. (F.D.C. No. 45633. S. No. 61-698/9 R.)

QUANTITY: 5,163 cases, 144 3½-oz. cans each, at Omaha, Nebr.

SHIPPED: 7-16-59, and 10-16-59, from Detroit, Mich.

LIBELED: 4-18-61, Dist. Nebr.

CHARGE: 402(a)(3)—while held for sale, the article was unfit for food because of a bitter taste and creosote-like odor.

DISPOSITION: 6-21-61. Consent—destruction.

DRIED FRUIT

27373. Raisins. (F.D.C. No. 45589. S. No. 39-778 R.)

QUANTITY: 62 cases, 48 15-oz. pkgs. each, at Milan, Ill.

SHIPPED: 1-4-61, from Fresno, Calif., by Bonner Packing Co

LABEL IN PART: (Pkg.) "Select Seedless Food Club Raisins Distributed by Topco Associates Inc. Chicago, Ill."

LIBELED: 3-20-61, S. Dist. Ill.

CHARGE: 402(a)(3)—contained *Drosophila* maggots and pupae, insects, insect larvae, and insect fragments when shipped.

DISPOSITION: 4-12-61. Default—destruction.

FROZEN FRUIT

27374. Frozen cherries. (F.D.C. No. 45753. S. No. 79-584 R.)

QUANTITY: 445 30-lb. cans at Landover, Md.

SHIPPED: 4-4-61, from New York, N.Y.

LIBELED: 4-28-61, Dist. Md.

CHARGE: 402(a)(3)—contained decomposed cherries while held for sale.

DISPOSITION: 5-26-61. Default—destruction.

27375. Frozen strawberries. (F.D.C. No. 43397. S. No. 64-548 P.)

QUANTITY: 500 30-lb. cans at Peoria, Ill.

SHIPPED: 5-26-59, from Searcy, Ark., by Whiteco, Inc.

LABEL IN PART: "Whiteco, Bald Knob Ark Frozen Strawberries Whole."

LIBELED: 7-17-59, S. Dist. Ill.

CHARGE: 402(a)(3)—contained rotten berries when shipped.

DISPOSITION: 8-6-59. Consent—claimed by Whiteco, Inc., and destroyed.

VEGETABLES AND VEGETABLE PRODUCTS

27376. Canned peas. (F.D.C. No. 45526. S. No. 65-942 R.)

QUANTITY: 201 cases, 24 15-oz, cans each, at Memphis, Tenn.

SHIPPED: 1-19-61 and 2-1-61, from Alma, Ark., by Alma Canning Co.

LABEL IN PART: (Can) "Alma Dried Early June Peas Prepared From Dry Stock * * * Alma Canning Co. Packers and Distributors, Alma, Ark."

LIBELED: 3-23-61, W. Dist. Tenn.

CHARGE: 403(a)—when shipped, the label vignette depicting succulent green peas and the label statement "Garden Run," were false and misleading as applied to an article which was prepared from dried peas; and 403(h)(1)—the quality of the article fell below the standard for canned peas, since it contained more than 25 percent by count of peas ruptured to a width of more than $\frac{1}{16}$ inch, and the article was a smooth skin variety of peas and the alcohol insoluble solids of peas in the containers were more than 23.5 percent and its label failed to bear a statement that it fell below such standard.

DISPOSITION: 6-19-61. Default—delivered to charitable institutions.

27377. Chickpeas. (F.D.C. No. 44772. S. No. 37-289 R.)

QUANTITY: 8 100-lb. bags at Scranton, Pa.

SHIPPED: 10-27-59, from New York, N.Y.

LIBELED: 8-9-60, M. Dist. Pa.

CHARGE: 402(a)(3)—contained insects, insect excreta, and insect webbing while held for sale.

DISPOSITION: 9-15-60. Default—destruction.

27378. Green olives. (F.D.C. No. 45651. S. Nos. 17-689 R, 49-410/11 R.)

QUANTITY: 36 casks, each containing 440 kilos, and 33 casks, each containing 451 kilos, at Denver, Colo.

SHIPPED: Prior to 3-30-61, from Seville, Spain.

LABEL IN PART: (Cask) "Jose Porres Exp 18113 Olives Produced in Spain Tomares Seville 27 SHC 240-260 Denver" and "SHC Denver Rapazallas 240-260 451 K Net Jose Ma. Troncoso Exp. 5750 Aceitunas Sevillanas Produced in Spain Dos Hermanas Sevilla."

LIBELED: 5-5-61, Dist. Colo.; amended 6-5-61.

CHARGE: 402(a)(3)—contained worm-damaged olives and maggots when shipped.

DISPOSITION: 6-5-61. Consent—claimed by Superior Honey Co., Denver, Colo., and exported to original suppliers in Spain.

27379. Pumpkin pie filling. (F.D.C. No. 45590. S. No. 17-099 R.)

QUANTITY: 406 cases, 24 1-lb. 2-oz. cans each, at Indianapolis, Ind.

SHIPPED: Between 10-11-60 and 11-8-60, from Hoopeston, Ill., by Stokely-Van Camp, Inc.

LABEL IN PART: (Can) "Stokely's Finest Ready to Bake Pumpkin Pie Filling * * * Distributed by Stokely-Van Camp Inc., Indianapolis, Indiana."

LIBELED: On or about 4-10-61, S. Dist. Ind.

CHARGE: 403(a)—when shipped, the label statements "Pumpkin Pie Filling" and "Ready to Bake" were false and misleading as applied to this product since the article was not a complete filling and was not ready to bake since milk and eggs must be added.

DISPOSITION: 4-21-61. Consent—claimed by Stokely-Van Camp, Inc., and relabeled.

TOMATOES AND TOMATO PRODUCTS

27380. Canned tomatoes. (F.D.C. No. 44237. S. No. 90-823 P.)

QUANTITY: 947 cases, 24 1-lb. cans each, at Manchester, N.H.

SHIPPED: 10-24-59, from Greenwood, Del., by Bramble Canning Corp.

LABEL IN PART: (Can) "Elmdale Tomatoes * * * National Retailer-Owned Grocers, Inc. Distributors * * * Chicago, Ill."

LIBELED: 2-12-60, Dist. N.H.

CHARGE: 402(a)(3)—contained fly eggs and maggots when shipped.

DISPOSITION: 5-27-60. Consent—claimed by Bramble Canning Corp. Segregated; 603 cases destroyed.

27381. Canned tomatoes. (F.D.C. No. 45755. S. No. 56-730 R.)

QUANTITY: 601 cases, 24 1-lb. 12-oz. cans each, at Linden, N.J.

SHIPPED: 2-23-61 and 3-13-61, from Princess Anne, Md., by Kings Creek Canning Co.

LABEL IN PART: (Can) "Fyne-Taste Selected Tomatoes * * * Distributed By Tulip, Inc., Phila. 34, Pa."

LIBELED: 5-2-61, Dist. N.J.,

CHARGE: 403(h)(1)—when shipped, the quality of the article fell below the standard of quality for canned tomatoes since the drained weight of the contents of the container of the article was less than 50 percent of the weight of the water required to fill the container, and its label failed to bear a statement that it fell below such standard.

DISPOSITION: 6-19-61. Default—delivered to charitable institutions.

27382. Canned tomatoes. (F.D.C. No. 45820. S. No. 10-539 R.)

QUANTITY: 298 cases, 24 1-lb. cans each, at Buffalo, N.Y.

SHIPPED: 3-17-61, from Preston, Md., by A. W. Sisk & Son.

LABEL IN PART: (Can) "Red-Glo Peeled Tomatoes * * * Albert W. Sisk and Son Distributors."

LIBELED: 6-2-61, W. Dist. N.Y.

CHARGE: 402(a)(3)—contained fly eggs and maggots when shipped; and 403(h)(1)—the quality of the article fell below the standard of quality for canned tomatoes since the article contained tomato peel per pound of canned tomatoes in the container which covered an area of more than one square inch, and its label failed to bear, as specified by regulations, a statement that it fell below such standard.

DISPOSITION: 6-29-61. Default—destruction.

27383. Tomato paste. (F.D.C. No. 45619. S. No. 16-852 R.)

QUANTITY: 100 cases, 6 10-lb. cans each, at Cincinnati, Ohio.

SHIPPED: 11-18-60, from San Francisco, Calif.

LIBELED: 4-7-61, S. Dist. Ohio.

CHARGE: 402(a)(3)—contained swelled cans while held for sale.

DISPOSITION: 5-2-61. Consent—claimed by Tri-Valley Packing Association, San Francisco, Calif. Segregated; 75 cans destroyed.

NUTS

27384. Unshelled almonds. (F.D.C. No. 45278. S. No. 45-253 R.)

QUANTITY: 31 cases, 24 1-lb. bags each, at Seattle, Wash.

SHIPPED: 10-19-60, from Chico, Calif.

LIBELED: 12-7-60, W. Dist. Wash.

CHARGE: 402(a)(3)—contained insect-damaged nuts while held for sale.

DISPOSITION: 12-28-60. Consent—claimed by Continental Nut Co., Chico, Calif. Segregated; 44 lbs. destroyed.

27385. Unshelled almonds and unshelled mixed nuts (5 seizure actions). (F.D.C. Nos. 45176, 45368, 45374, 45375, 45383. S. Nos. 36-864 R, 41-500 R, 45-227 R, 64-467/8 R, 64-472 R.)

QUANTITY: 426 50-lb. bags, 326 75-lb. bags, 215 cases, 24 1-lb. bags each, and 187 various size sacks, at Modesto, Calif.

SHIPPED: Between 9-27-60 and 12-6-60, from Modesto, Calif., to Philadelphia, Pa., and Seattle, Wash., and subsequently returned to Modesto, Calif.

LABEL IN PART: "S and W Neplus Almonds Packed by S & W Fine Foods, Inc., San Francisco, Calif."; "Palmdale Fancy Mixed nuts Packed by S & W Fine Foods Inc. San Francisco, Calif."; "Packed by S & W Fine Foods, Inc., San Francisco, California * * * S & W California Almonds"; and "S & W Softshell Almonds Packed by S & W Fine Foods, Inc., San Francisco, California."

LIBELED: 12-13-60; 12-23-60; 12-27-60; 1-3-61; 1-11-61, N. Dist. Calif.

CHARGE: 402(a)(3)—contained insects, insect-infested, moldy, shriveled, gummy nuts, and empty shells when shipped.

DISPOSITION: 1-30-61. Consent—claimed by S & W Fine Foods, Inc. Segregated; 3,801 lbs. destroyed.

27386. Unshelled mixed nuts. (F.D.C. No. 44014. S. No. 97-661 P.)

QUANTITY: 235 cases, 24 1-lb. boxes each, at Kansas City, Kans.

SHIPPED: 12-2-59, from Chico, Calif.

LIBELED: 1-12-60, Dist. Kans.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 2-8-60. Consent—claimed by Continental Nut Co., Chico, Calif. The article was subsequently commingled with the articles involved in the libel actions reported in food notice of judgment, No. 26709. The commingled lot was segregated resulting in the destruction of the unfit portion.

27387. Unshelled mixed nuts. (F.D.C. No. 44096. S. No. 21-461 R.)

QUANTITY: 21 50-lb. bags at Detroit, Mich.

SHIPPED: 12-1-59, from New York, N.Y.

LIBELED: 3-17-60, E. Dist. Mich.

CHARGE: 402(a)(3)—contained moldy, rancid, decomposed, shriveled nuts, and empty shells while held for sale.

DISPOSITION: 4-7-60. Consent—claimed by Graham Co., Inc., New York, N.Y., and Marks & Goergens, Inc., Detroit, Mich. Segregated; 17 lbs. destroyed.

27388. Pinon nuts. (F.D.C. No. 44068. S. No. 96-507 P.)

QUANTITY: 2,572 72-lb. bags at Cahone, Colo.

SHIPPED: Approximately 90 percent of the article was shipped during October, November, and December 1959, from New Mexico; the remainder was shipped from various places in Colorado.

LIBELED: 2-17-60, Dist. Colo.

CHARGE: 402(a)(3)—contained animal excreta while held for sale.

DISPOSITION: 5-6-60. Consent—claimed by Lawrence Warehouse Co., San Francisco, Calif. Segregated; 805 lbs. destroyed.

27389. Shelled Spanish peanuts. (F.D.C. No. 45910. S. No. 45-416 R.)

QUANTITY: 4 124-lb. bags at Columbia, S.C.

SHIPPED: 4-21-61, from Albany, Ga., by Bain Peanut Co.

LABEL IN PART: (Tag) "No. 1 Spanish Shelled Peanuts Packed by Bain Peanut Company Albany, Georgia Lot No. 9."

LIBELED: 6-1-61, E. Dist. S.C.

CHARGE: 402(a)(3)—contained insects, insect parts, and rodent hairs; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 7-10-61. Default—destruction.

27390. Shelled pecans. (F.D.C. No. 45470. S. No. 11-869 R.)

QUANTITY: 10 30-lb. ctns. at Chicago, Ill., in possession of J. Barsotti & Co.

SHIPPED: 12-3-60, from Monroe, La.

RESULTS OF INVESTIGATION: The article was prepared and packed by the dealer from unshelled pecan nuts shipped as described above.

LIBELED: 2-12-61, N. Dist. Ill.

CHARGE: 402(a)(3)—contained *E. coli* while held for sale; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 3-1-61. Consent—claimed by J. Barsotti & Co., and reconditioned by washing, drying, and roasting.

POULTRY

27391. Poultry. (F.D.C. No. 44048. S. No. 84-134 P.)

QUANTITY: 147 boxes, containing a total of approximately 7,500 lbs. of poultry (chickens, turkeys, etc.) and poultry parts, at Detroit, Mich.

SHIPPED: 9-30-59, from Charleston, W.Va.

LIBELED: 2-5-60, E. Dist. Mich.

CHARGE: 402(a)(3)—while held for sale, the article contained dirty, putrid, and decomposed poultry and poultry parts; and 402(a)(5)—the article was in whole or in part the product of a diseased animal.

DISPOSITION: 7-18-60 and 8-11-60. Default—the court ordered that 200 lbs. of the article be delivered to the Food and Drug Administration and that the remainder be sold for conversion into fertilizer.

27392. Frozen dressed chickens. (F.D.C. No. 45918. S. Nos. 57-794 R, 57-800 R.)

QUANTITY: 66 crates, 4,500 lbs. total, at Tampa, Fla.

SHIPPED: 2-23-61, from Philadelphia, Pa.

LIBELED: 5-31-61, S. Dist. Fla.

CHARGE: 402(a)(3)—contained decomposed chickens while held for sale.

DISPOSITION: 6-23-61. Default—destruction.

SPICES, FLAVORS, AND SEASONING MATERIALS

27393. Vanilla extract. (F.D.C. No. 45767. S. No. 56-625 R.)

QUANTITY: 25 cases, 12 1-qt. btls. each, at Greystone Park, N.J.

SHIPPED: 3-1-61, from New York, N.Y., by Drew Co. of America, Inc.

LABEL IN PART: (Btl.) "Drew's Pure Extract Vanilla * * * Absolutely Pure * * * Prepared by Drew Corporation, New York."

RESULTS OF INVESTIGATION: Examination showed that the product was an imitation vanilla extract containing added vanillin, and containing an insignificant amount of true vanilla extractives.

LIBELED: 5-4-61, Dist. N.J.

CHARGE: 402(b)(1)—when shipped, the valuable constituent, namely, vanilla extractives, had been in whole or in part omitted or abstracted from the article; 402(b)(2)—vanillin had been in whole or in part substituted for the article; 402(b)(4)—vanillin had been added to the article or mixed or packed therewith so as to make it appear better or of greater value than it was; 403(c)—the article was an imitation of another food, namely, vanilla extract, and its label failed to bear in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; and 403(i)(2)—the article was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient.

DISPOSITION: 6-13-61. Default—delivered to a State institution.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

27394. Decavitamin tablets. (F.D.C. No. 45512. S. No. 12-748 R.)

QUANTITY: 1,008 1,000-tablet btls. at Hines, Ill.

SHIPPED: 12-21-60, from Oak Park, Mich.

RESULTS OF INVESTIGATION: Examination showed that the article contained approximately 50 percent of the declared amount of vitamin B₁₂.

LIBELED: 3-10-61, N. Dist. Ill.

CHARGE: 402(b)(1)—while held for sale, the valuable constituent, vitamin B₁₂, had been in part omitted or abstracted from the article; and 403(a)—the label statement "Vitamin B-12 2 Mcgs." was false and misleading.

DISPOSITION: 4-11-61. Consent—claimed by Freshman Vitamin Co., Oak Park, Mich.; reprocessed and relabeled.

27395. Gestatabs. (F.D.C. No. 45908. S. No. 14-219 R.)

QUANTITY: 37 60-tablet btls. and 1 1,000-tablet btl. at Chicago, Ill.

SHIPPED: Between 1-16-60 and 11-18-60, from Kenilworth, N.J., by White Laboratories, Inc.

LABEL IN PART: (Btl. and ctn.) "Gestatabs A Unique, Comprehensive Dietary Supplement Designed Especially For Use During Pregnancy and Lactation. Contains Essential Vitamins and Minerals Plus Mol-Iron. * * * White Laboratories, Inc., Kenilworth, New Jersey * * * Each Tablet Contains: * * * Folic Acid 0.5 mg. * * * Dosage: One Gestatab twice daily."

LIBELED: 5-31-61, N. Dist. Ill.

CHARGE: 402(a)(2)(C)—when shipped, the article contained a food additive, namely, folic acid, which is unsafe within the meaning of 409 since it and its use, or intended use, were not in conformity with a regulation or exemption in effect pursuant to 409.

DISPOSITION: 6-30-61. Default—destruction.

27396. Orogen tablets. (F.D.C. No. 44669. S. Nos. 11-716/8 R.)

QUANTITY: 15 cases, 12 200-tablet btls. each, 15 cases, 12 100-tablet btls. each, and 4 cases, 12 400-tablet btls. each, at Chicago, Ill., in possession of Mandel Bros., Inc.

SHIPPED: Between 3-4-57 and 4-9-57, from Portland, Oreg., by Consumer Drug Corp.

LABEL IN PART: (Btl.) "Orogen Dietary Aid with Pectolex. Contains natural substances from citrus fruits as a result of pharmaceutical research by Sun-kist Growers. Orogen Distributors Consumer Drug Corp., Portland, Oregon."

RESULTS OF INVESTIGATION: Analysis showed that the article contained approximately one percent of the declared amount of vitamin B₁₂.

LIBELED: 6-17-60, N. Dist. Ill.

CHARGE: 402(b)(1)—while held for sale, the valuable constituent, vitamin B₁₂, had been in whole or in part omitted or abstracted from the article; 403(a)—the label statement "Daily Dose (6 tablets) provides * * * Vitamin B-12 Activity from Cobalamin Concentrate 0.6 mg." was false and misleading as applied to the article which contained less than the declared amount of vitamin B₁₂; and when shipped, the label statement "The minimum daily re-

quirement for Niacinamide * * * have not been established" was false and misleading since the minimum daily requirement for niacinamide has been established, and the label of the article also contained false and misleading representations and suggestions that the article was adequate and effective for appetite appeasement; and 403(j)—when shipped, the article purported to be and was represented as a food for special dietary use by reason of its vitamin content and its label failed to bear, as required by regulations, a statement of the proportion of the minimum daily requirement for niacinamide when consumed in a specified quantity during a period of one day.

DISPOSITION: 7-14-61. Consent—destruction.

27397. Preg-Nine tablets. (F.D.C. No. 45928. S. No. 69-311 R.)

QUANTITY: 144 100-tablet btls., 1 500-tablet btl., and 2 1,000-tablet btls., at Chicago, Ill.

SHIPPED: 6-11-59, from Indianapolis, Ind.

LABEL IN PART: (Btl.) "Preg-Nine Each tablet represents: * * * Folic Acid 0.250 mg. * * * Four tablets provide * * * One tablet four times daily * * * Manufactured for Rasman Pharmacal Co. Oak Park, Illinois."

RESULTS OF INVESTIGATION: The article was repacked and labeled by Rasman Pharmacal Co., Oak Park, Ill., from bulk drums shipped as described above, and then reshipped to the dealer at Chicago, Ill., between 11-5-59 and 4-19-61.

LIBELED: 6-5-61, N. Dist. Ill.

CHARGE: 402(a)(2)(C)—while held for sale, the article contained a food additive, namely, folic acid, which is unsafe within the meaning of 409 since it and its use, or intended use, were not in conformity with a regulation or exemption in effect pursuant to 409.

DISPOSITION: 7-10-61. Default—destruction.

27398. Honey Al-Fa Tea. (F.D.C. No. 44913. S. No. 23-315 R.)

QUANTITY: 29 16-oz. btls. and 22 32-oz. btls. at Oklahoma City, Okla.

SHIPPED: 8-1-60 and 9-12-60, from Dallas, Tex., by Honey Al-Fa Pharmaceutical Co.

LABEL IN PART: (Btl.) "Concentrated Honey Al-Fa Tea * * * Homogenized * * * Especially pressed, extracted, and brewed from rich Alfalfa components. Also contains Proteins, Amino Acids (Arginine, Histidine, Lysine, Humin, Saponin, and natural enzymes) Plus Pure Bee Honey and Apple Cider Vinegar."

ACCOMPANYING LABELING: Leaflets entitled "A Reader's Digest Reprint Concentrated Honey Al-Fa Tea" and "For Your Vitamins Concentrated Honey Al-Fa Tea."

LIBELED: 9-27-60, W. Dist. Okla.

CHARGE: 403(a)—when shipped and while held for sale, the labeling of the article contained the false and misleading statement "rich with homogenized concentrated vitamins"; 403(e)(2)—the article failed to bear a label containing an accurate statement of the quantity of contents; and 403(j)—the article purported to be and was represented as a food for special dietary use by reason of its vitamin and mineral content and its label failed to bear, as required by regulations, a statement of the proportion of the minimum daily requirement for the vitamins and minerals supplied by such food when consumed in a specified quantity during a period of one day.

The libel alleged also that the article was misbranded under the provisions of the Act relating to drugs as reported in notices of judgment on drugs and devices, No. 6454.

DISPOSITION: 12-5-60. Default—destruction.

27399. Brand Nu and Twin Trim. (F.D.C. No. 44910. S. Nos. 28-024 R, 28-050 R.)

QUANTITY: 5 cases, each containing 20 7-oz. jars, and 21 cases, each containing 15 15-oz. jars, labeled "Twin Trim," and an unknown number of packets containing 4 grains each and cartons each containing 25 4 gram packets labeled "Brand Nu," and 10 5-lb. bags unlabeled, at Minneapolis, Minn., in possession of Standard Industries, Inc., and others.

SHIPPED: Prior to March 1960, from Chicago, Ill., by Standard Pharmacal.

LABEL IN PART: (Jar) "New Twin Purpose Twin Trim A Nutritional Supplement. Directions: For use in a low calorie diet * * * To maintain your desired weight after reaching it * * * As a nutritional supplement * * * Manufactured For and Distributed by Bee Gee Sales, Inc., Minneapolis." (packet) "Combats over-indulgence or that 'morning after feeling.' Brand Nu * * * For best results take one before or during indulgence and one the following morning before eating."

RESULTS OF INVESTIGATION: The article labeled "Twin Trim" was repacked in part by Standard Industries, Inc., into the packets labeled "Brand Nu" and into the unlabeled bags.

LIBELED: 10-3-60, Dist. Minn.

CHARGE: Twin Trim, 403(a)—when shipped, the name "Twin Trim" and vignettes of silhouettes of stout and of properly proportioned adult figures, and statements in the label, were false and misleading since they represented and suggested that use of the article would cause the user to reduce weight and maintain a trim, properly proportioned figure whereas use of the article would not accomplish such results; and 403(i) (2)—when shipped, the label of the article failed to bear the common or usual name of each ingredient, since Milk Protein, Skim Milk Powder, Soya Protein Lecithin, and Yeast K-Strain, are not the common or usual names of these ingredients;

Brand Nu, 403(i) (2)—while held for sale, the label of the article failed to bear the common or usual name of each ingredient, since Milk Protein, Skim Milk Powder, Soya Protein Lecithin, and Yeast K-Strain, are not the common or usual names of these ingredients; and 403(j)—the article purported to be and was represented as a food for special dietary use by reason of its vitamin and mineral content and its label failed to bear, as required by regulations, a statement of the proportion of the minimum daily requirement for vitamins A, B₁, C, D, riboflavin, and niacin or niacinamide, and calcium, phosphorus, iron, and iodine, supplied by such food when consumed in a specified quantity during a period of one day.

The article Brand Nu was alleged also to be misbranded under the provisions of the law applicable to drugs as reported in notices of judgment on drugs and devices.

DISPOSITION: 12-30-60. Default—destruction.

27400. Various vitamin products. (F.D.C. No. 44889. S. Nos. 35-368/9 R, 35-374 R.)

QUANTITY: 42 100-tablet btls. of Formula No. 748; 93 100-tablet btls. of Formula No. 749; and 8 4-oz. btls. of Formula No. 760, at New York, N.Y., in possession of George Nemiroff & Co., Inc.

SHIPPED: On various dates during 1959 and 1960, from Baltimore, Md., and Roselle, N.J.

LABEL IN PART: "Formula No. 748 * * * Niacin 100 mg."; "Formula No. 749 * * * Niacinamide 50 mg.," and "Formula No. 760 * * * Nemco-Bild An Appetite Stimulant with Lysine."

RESULTS OF INVESTIGATION: The articles were packed in retail-size containers by the manufacturers and labeled with labels supplied by the dealer.

LIBELED: 9-19-60, S. Dist. N.Y.

CHARGE: Formula No. 748—Niacin and Formula No. 749—Niacinamide, 403(a)—when shipped, the label statement "Niacin [or "Niacinamide"] * * * The Daily Minimum Requirement has not been established" was false and misleading since it was contrary to fact; and 403(j)—the articles purported to be or were represented as foods for special dietary uses by reason of their vitamin content and their labels failed to bear as the regulations require, a statement of the proportion of the minimum daily requirement for niacin or niacinamide supplied by such foods when consumed in a specified quantity during the period of one day.

Formula No. 760—Nemco-Bild, 403(a)—when shipped, the label statement "The need in human nutrition for lysine has not been established," was false and misleading since it was contrary to fact.

The libel alleged also that the articles were misbranded under the provisions of the law applicable to drugs as reported in notices of judgment on drugs and devices.

DISPOSITION: 10-13-60. Consent—claimed by George Nemiroff & Co., Inc., and relabeled.

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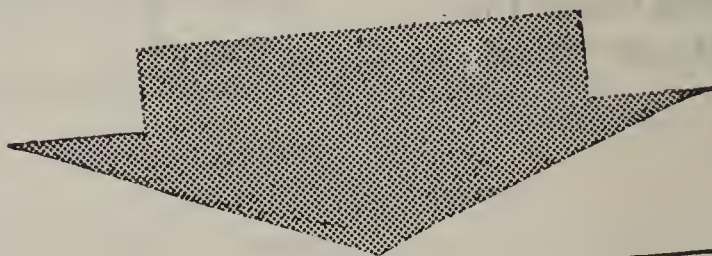
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Standard Pharmacal :		White Laboratories, Inc. :	
Brand Nu and Twin Trim-----	27399	Gestatabs -----	27395
Stokely-Van Camp, Inc. :			
pumpkin pie filling-----	27379		

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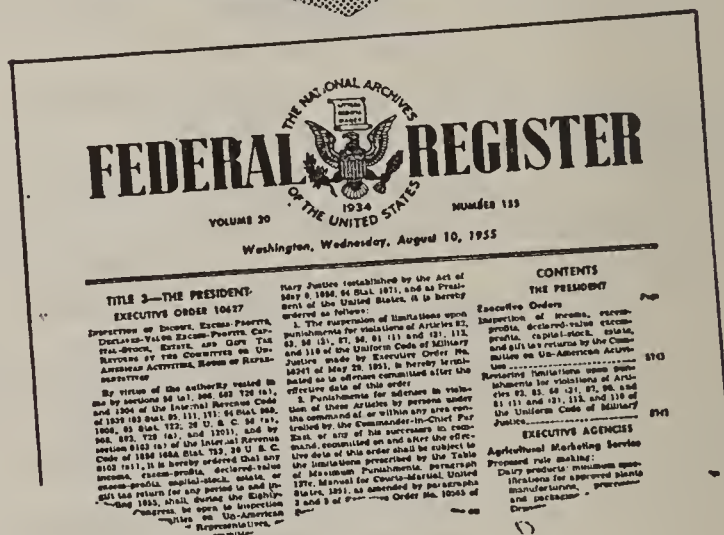
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U.S. Department of Health, Education, and Welfare

Food and Drug Administration

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

27401-27450

FOODS

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The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were adulterated or misbranded within the meaning of the Act when introduced into and while in interstate commerce, or while held for sale after shipment in interstate commerce. These cases involve seizure proceedings in which decrees of condemnation were entered after default, or consent. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D.C., *December 19, 1961.*

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SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS
REPORTED IN F.N.J. NOS. 27401-27450

Adulteration, Section 402(a)(2)(B), the article was a raw agricultural commodity and contained a pesticide chemical which was unsafe within the meaning of Section 408(a); Section 402(a)(2)(C), the article contained a food additive which was unsafe within the meaning of Section 409; Section 402(a)(3), the article consisted in whole or in part of a filthy, putrid, or decomposed substance, or it was otherwise unfit for food; Section 402(a)(4), the article had been prepared, packed, or held under insanitary conditions whereby it might have become contaminated with filth; Section 402(b)(1), a valuable constituent had been in whole or in part omitted or abstracted from the article; Section 402(b)(2), another substance had been substituted in whole or in part for the article; Section 402(b)(4), a substance had been added to the article or mixed or packed therewith so as to make it appear better or of greater value than it was; Section 408(a), a pesticide chemical deemed unsafe had been added to a raw agricultural commodity and (1) no tolerance had been prescribed by the Secretary of Health, Education, and Welfare and (2) the pesticide chemical had not been exempted from the requirement of a tolerance; and Section 409, a food additive was deemed to be unsafe because the food additive and its use or intended use failed to conform to the terms of an effective exemption or because there was not in effect, or the food additive and its use or intended use failed to be in conformity with, a regulation prescribing conditions for safe use.

Misbranding, Section 403(a), the labeling of the article was false and misleading; Section 403(c), the article was an imitation of another food, and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; Section 403(e)(2), the article was in package form, and it failed to bear a label containing an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; Section 403(g)(2), the article purported to be or was represented as a food for which a definition and standard of identity had been prescribed by regulations and its label failed to bear the name of the food specified in the definition and standard, or its label failed to bear, as required by such regulations, the common names of the optional ingredients present in such food; Section 403(h)(1), the article purported to be or was represented as a food for which a standard of quality had been prescribed by regulations, and its quality fell below such standard, and its label failed to bear a statement that it fell below such standard; Section 403(i)(2), the article was not subject to the provisions of Section 403(g) and the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient; and Section 403(j), the article purported to be and was represented for special dietary uses, and its label failed to bear such information concerning its vitamin, mineral, and other dietary properties as the Secretary has determined to be, and by regulation prescribed as, necessary in order fully to inform purchasers as to its value for such uses; and Section 403(k), the article contained a chemical preservative and failed to bear labeling stating that fact.

BEVERAGES AND BEVERAGE MATERIALS

27401. Green coffee beans. (F.D.C. No. 45943. S. Nos. 81-601/6 R.)

QUANTITY: 666 133-lb. bags at New Orleans, La., in possession of Strachan Shipping Co.

SHIPPED: Between 3-20-61 and 4-11-61, from Brazil.

LIBELED: On or about 6-19-61, E. Dist. La.

CHARGE: 402(a)(3)—contained bird excreta; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 7-10-61. Consent—claimed by Nomura (America) Corp., Peter Andrea Corp., Fortuna Coffee Co., Imperial Commodities Corp., Leon Israel & Bros., Inc., and J. Aron & Co., Inc. Segregated; 3,990 lbs. destroyed.

27402. Tea. (F.D.C. No. 46178. S. No. 81-757 R.)

QUANTITY: 125 cases, 48 boxes each, at Montgomery, Ala.

SHIPPED: 4-10-61, from New Orleans, La., by William B. Reily & Co., Inc.

LABEL IN PART: (Box) "Luzianne Tea ¼ Pound Net Wt. Wm. B. Reily & Company, Inc., New Orleans."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 8-16-61, M. Dist. Ala.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: 8-21-61. Consent—claimed by Wm. B. Reily & Co., Inc., and relabeled.

27403. Tea in bags. (F.D.C. No. 46229. S. No. 5-896 R.)

QUANTITY: 69 cases, 12 cans each, at Baltimore, Md.

SHIPPED: 6-28-61, from New York, N. Y., by Boston Tea Products Co.

LABEL IN PART: (Can) "Boston's Mint-in-Tea Bags 34 Two-Cup Tea Bags Net Weight 2.72 Oz. * * * Boston Tea Products Co. New York 3, N.Y."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 8-8-61, Dist. Md.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: 8-31-61. Default—delivered to a charitable institution.

CEREALS AND CEREAL PRODUCTS**FLOUR**

27404. Flour. (F.D.C. No. 45852. S. No. 80-346 R.)

QUANTITY: 111 25-lb. bags at Altus, Okla., in possession of Altus Wholesale Grocery Co.

SHIPPED: 4-13-61 and 5-4-61, from Sherman, Tex.

LIBELED: 6-30-61, W. Dist. Okla.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 7-18-61. Consent—destruction.

27405. Flour and green split peas. (F.D.C. No. 45471. S. Nos. 64-683/6 R.)

QUANTITY: 17 50-lb. bags and 30 100-lb. bags of flour; and 10 100-lb. bags of green split peas, at Oakland, Calif., in possession of Cheney Bros.

SHIPPED: Between 11-9-60 and 12-16-60, from Ogden and Brigham City, Utah, and Palouse, Wash.

LIBELED: 2-13-61, N. Dist. Calif.

CHARGE: 402(a)(3)—contained bird excreta; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 6-2-61. Consent—claimed by Cheney Bros. Segregated; 22 bags of flour and 4 bags of split peas denatured for use as animal feed.

MACARONI AND NOODLE PRODUCTS

27406. Macaroni. (F.D.C. No. 45837. S. No. 43-132 R.)

QUANTITY: 10 cases, 6 4-lb. bags each, at Redwood City, Calif.

SHIPPED: 4-4-61, from Seattle, Wash., by Major Italian Foods Co.

LABEL IN PART: (Bag) "Majorette Brand Family Pak Macaroni Products * * * Major Italian Foods Seattle, Washington."

LIBELED: 6-14-61, N. Dist. Calif.

CHARGE: 402(a)(3)—contained insect fragments; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 8-18-61. Default—destruction.

27407. Macaroni. (F.D.C. No. 46137. S. No. 93-259 R.)

QUANTITY: 71 cases, 20 pkgs. each, at St. Louis, Mo.

SHIPPED: 5-8-61, from Schiller Park, Ill., by Prince Macaroni Mfg. Co.

LABEL IN PART: (Pkg.) "Prince Rigatoni No. 36 * * * Enriched Macaroni Net Weight One Pound * * * Prince Macaroni Mfg. Co. Lowell, Mass."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 7-21-61, E. Dist. Mo.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: 9-15-61. Default—delivered to charitable institutions.

27408. Macaroni products. (F.D.C. No. 46040. S. Nos. 63-336/8 R.)

QUANTITY: 47 cases, 30 8-oz. pkgs. each, of thin spaghetti; 17 cases, 20 12-oz. pkgs. each, of macaroni; and 83 cases, 24 12-oz. pkgs. each, of elbow macaroni, at Knoxville, Tenn.

SHIPPED: 9-3-59, from Hialeah, Fla.

LIBELED: 6-27-61, E. Dist. Tenn.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 8-1-61. Default—destruction.

27409. Noodles. (F.D.C. No. 46079. S. No. 51-670 R.)

QUANTITY: 90 cases, 24 pkgs. each, at Denver, Colo.

SHIPPED: Between 5-24-61 and 6-21-61, from St. Louis, Mo., by Ravarino & Freschi, Inc.

LABEL IN PART: (Pkg.) "Country Style Egg Dumplings * * * 8 Ounces Vitamin Enriched A Product of Ravarino & Freschi, Viviano Macaroni Co. St. Louis, Mo."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 7-18-61, Dist. Colo.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of the contents; and 403(g) (2)—the label of the article failed to bear the name of the food specified in the definition and standard of identity, namely "Enriched Egg Noodle Product" or "Enriched Egg Noodles."

DISPOSITION: 9-1-61. Default—delivered to a Federal institution.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS**27410. Rice.** (F.D.C. No. 45927. S. No. 78-937 R.)

QUANTITY: 158 100-lb. bags at Norfolk, Va., in possession of Italian American Grocery Co.

SHIPPED: 4-3-61, from Houston, Tex.

LIBELED: 6-5-61, E. Dist. Va.

CHARGE: 402(a) (3)—contained rodent urine; and 402(a) (4)—held under insanitary conditions.

DISPOSITION: 7-14-61. Default—delivered to a public institution for use as animal feed.

27411. Rice. (F.D.C. No. 46041. S. Nos. 75-843/5 R.)

QUANTITY: 4 100-lb. bags and 45 25-lb. bags at Columbia, S.C., in possession of Merchants Wholesale Grocery, Inc.

SHIPPED: Between 2-8-61 and 4-5-61, from Stuttgart, Ark., and Houston, Tex.

LIBELED: 6-29-61, E. Dist. S.C.

CHARGE: 402(a) (3)—contained rodent urine and bird excreta; and 402(a) (4)—held under insanitary conditions.

DISPOSITION: 7-31-61. Default—destruction.

27412. Rice. (F.D.C. No. 46063. S. No. 49-235 R.)

QUANTITY: 20 100-lb. bags at Albuquerque, N. Mex.

SHIPPED: 5-29-61, from Carlisle, Ark.

LIBELED: 7-11-61, Dist. N. Mex.

CHARGE: 402(a) (3)—contained rodent urine while held for sale.

DISPOSITION: 8-23-61. Default—delivered to a charitable institution for use as animal feed.

27413. Puffed rice. (F.D.C. No. 46187. S. No. 79-499 R.)

QUANTITY: 46 cases, 24 boxes each, at Washington, D.C.

SHIPPED: 6-2-61 and 6-14-61, from Lemoyne, Pa., by Quaker Oats Co.

LABEL IN PART: (Box) "Weight 4½ oz. net Quaker Puffed Rice Manufactured by the Quaker Oats Company Address: Chicago, U.S.A."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 7-25-61, Dist. Columbia.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: 8-18-61. Default—delivered to a public institution.

27414. Puffed rice. (F.D.C. No. 46199. S. Nos. 81-230/1 R.)

QUANTITY: 104 cases, 18 pkgs. each, at East Providence, R.I.

SHIPPED: 6-16-61 and 6-23-61, from Harrisburg, Pa., by Quaker Oats Co.

LABEL IN PART: (Pkg.) "Weight 6¾ Oz. Net * * * Quaker Puffed Rice Manufactured by The Quaker Oats Company Chicago."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 8-2-61, Dist. R.I.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: 8-24-61. Default—delivered to charitable institutions.

27415. Wheat. (F.D.C. No. 45615. S. No. 43-430 R.)

QUANTITY: 48,940 lbs. at Portland, Oreg.

SHIPPED: 3-28-61, from Heyburn, Idaho, by Heyburn Feed & Milling Co.

LIBELED: 4-6-61, Dist. Oreg.

CHARGE: 402(a) (3)—contained rodent excreta pellets when shipped.

DISPOSITION: 7-12-61. Consent—claimed by Heyburn Feed & Milling Co., and converted into animal feed.

27416. Wheat. (F.D.C. No. 46314. S. No. 98-363 R.)

QUANTITY: 109,800 lbs. at Buffalo, N.Y.

SHIPPED: 7-21-61, from Ashmore, Ill., by Sees Feed Co.

RESULTS OF INVESTIGATION: Examination showed that the article contained an added mercurial compound.

LIBELED: 8-22-61, W. Dist. N.Y.

CHARGE: 402(a) (2) (B)—the article was a raw agricultural commodity, and when shipped, contained a pesticide chemical, namely, a mercurial compound, which is unsafe within the meaning of 408(a) since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on wheat has been prescribed by regulations.

DISPOSITION: 8-31-61. Consent—destruction.

27417. Puffed wheat. (F.D.C. No. 46223. S. No. 87-293 R.)

QUANTITY: 14 cases, 24 pkgs. each, at Washington, D.C.

SHIPPED: 7-13-61, from Lemoyne, Pa., by Quaker Oats Co.

LABEL IN PART: (Pkg.) "Weight 4 oz. Net * * * Quaker Puffed Wheat Manufactured by The Quaker Oats Company, Chicago."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 8-3-61, Dist. Columbia.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: 8-29-61. Default—delivered to a public institution.

27418. Wheat germ cereal. (F.D.C. No. 46174. S. No. 91-088 R.)

QUANTITY: 50 cases, 12 jars each, at Hazelwood, Mo.

SHIPPED: 1-4-61, from Carrollton, Mich., by Kretschmer Wheat Germ Corp.

LABEL IN PART: (Jar) "Kretschmer Sugar'N Honey Wheat Germ * * * Net Wt. 12 Oz. * * * Kretschmer Wheat Germ Corporation, Carrollton (2) Michigan."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 8-10-61, E. Dist. Mo.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: 9-15-61. Default—delivered to charitable institutions.

27419. Unpopped popcorn. (F.D.C. No. 44893. S. No. 2-229 R.)

QUANTITY: 252 50-lb. bags at Charlotte, N.C., in possession of Independent Theatre Supply Co.

SHIPPED: 6-16-60, from Murray, Ky.

LIBELED: 10-12-60, W. Dist. N.C.

CHARGE: 402(a) (3)—contained insects; and 402(a) (4)—held under insanitary conditions.

DISPOSITION: 4-18-61. Default—delivered to a charitable institution for use as animal feed.

27420. Unpopped popcorn and non-fat dry milk. (F.D.C. No. 45531. S. Nos. 59-104/5 R.)

QUANTITY: 104 cases, 12 2-lb. bags each, of popcorn; and 169 bags of non-fat dry milk, at Charlotte, N. C.

SHIPPED: 7-28-58 and 9-7-60, from Appleton, Wis., and Nashville, Tenn.

LIBELED: 4-11-61, W. Dist. N.C.

CHARGE: 402(a) (3)—contained insects while held for sale.

DISPOSITION: 7-19-61. Default—delivered to a charitable institution for use as animal feed.

27421. Unpopped popcorn. (F.D.C. No. 46125. S. No. 85-104 R.)

QUANTITY: 317 150-lb. bags at St. Louis, Mo.

SHIPPED: 6-3-61, from Ridgway, Ill., by Prunty Seed & Grain Co.

LIBELED: 7-14-61, E. Dist. Mo.

CHARGE: 402(a) (3)—contained rodent excreta, insects, and insect- and rodent-damaged kernels; and 402(a) (4)—prepared and packed under insanitary conditions.

DISPOSITION: 8-9-61. Consent—claimed by Prunty Seed & Grain Co., and converted into animal feed.

EGGS

27422. Frozen eggs. (F.D.C. No. 45794. S. No. 60-540 R.)

QUANTITY: 75 30-lb. cans at New Orleans, La.

SHIPPED: The article was prepared by the dealer from shell eggs received on various dates between 3-23-61 and 4-17-61, from various producers in Mississippi, Texas, and various states in the Middle West.

LIBELED: 5-8-61, E. Dist. La.

CHARGE: 402(a)(3)—contained decomposed eggs while held for sale.

DISPOSITION: 7-20-61. Default—destruction.

27423. Frozen eggs. (F.D.C. No. 45958. S. No. 56-782 R.)

QUANTITY: 230 30-lb. cans at Brooklyn, N.Y.

SHIPPED: 4-25-61, from Meridian, Miss.

LIBELED: 6-22-61, E. Dist. N.Y.

CHARGE: 402(a)(3)—contained decomposed eggs while held for sale.

DISPOSITION: 7-27-61. Default—destruction.

27424. Frozen eggs. (F.D.C. No. 46202. S. Nos. 33-997 R, 83-910 R.)

QUANTITY: 19 cans at Brooklyn, N.Y.

SHIPPED: 6-7-61, from Lakewood, N.J., by B. Zuck & Son Eviscerated Poultry, Inc.

LABEL IN PART: (Can) "Packed for Midrose Foods, Inc., 298 Greenwich Street."

LIBELED: 8-3-61, E. Dist. N.Y.

CHARGE: 402(a)(3)—contained decomposed eggs when shipped.

DISPOSITION: 8-30-61. Default—destruction.

27425. Frozen eggs. (F.D.C. No. 46080. S. No. 56-788 R.)

QUANTITY: 6 30-lb. cans at New York, N.Y.

SHIPPED: 4-8-61, from Newton, Kans., by Hurst Foods, Inc.

LABEL IN PART: (Can) "Frozen Whole Eggs * * * Packed by Hurst Foods, Inc., Newton, Kansas."

LIBELED: 8-3-61, S. Dist. N.Y.

CHARGE: 402(a)(3)—when shipped, the article was unfit for food since it had a musty odor.

DISPOSITION: 8-30-61. Default—destruction.

FRUITS AND VEGETABLES

CANNED FRUIT

27426. Canned apricots. (F.D.C. No. 45942. S. No. 28-676 R.)

QUANTITY: 89 cases, 24 1-lb. 14-oz. cans each, at Sioux Falls, S. Dak.

SHIPPED: 3-13-61, from San Jose, Calif., by U.S. Products, Inc.

LABEL IN PART: (Can) "Golden Valley Mixed Pieces of Irregular Sizes and Shapes Very Ripe Unpeeled Apricots in Heavy Syrup * * * Distributed by Nash-Finch Co. Minneapolis, Minn."

RESULTS OF INVESTIGATION: Examination showed the product to be canned apricots consisting of whole, unpeeled apricots containing more than 5 percent of crushed and broken units.

LIBELED: 6-21-61, Dist. S. Dak.

CHARGE: 403(a)—when shipped, the vignette depicting whole, unbroken apricots, and the label statement “mixed pieces of irregular sizes and shapes” were false and misleading; 403(g) (2)—the article purported to be and was represented as canned apricots, a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear, as required by regulations, the name of the optional apricot ingredient, namely, “Whole”; and 403(h) (1)—the article fell below the standard of quality for canned apricots, since more than 5 percent of the units in a container of 20 or more units were crushed and broken, and its label failed to bear, as required by regulations, the statement “Below Standard in Quality Partly Crushed or Broken.”

DISPOSITION: 7-20-61. Consent—delivered to a charitable institution.

27427. Glace cherries. (F.D.C. No. 44777. S. No. 21-434 R.)

QUANTITY. 5 30-lb. cans at Cleveland, Ohio.

SHIPPED: 2-29-60, from North East, Pa., by Ohio Fruit Products Co., Inc.

LABEL IN PART: (Can) “Garden of Eden Whole and Broken Glaced Cherries.”

LIBELED: 8-23-60, N. Dist. Ohio.

CHARGE: 402(a) (3)—contained maggots, insect fragments, insect head capsules, and fly fragments; and 402(a) (4)—prepared and packed under unsanitary conditions.

DISPOSITION: 9-5-61. Default—destruction.

27428. Spiced peaches. (F.D.C. No. 45851. S. No. 60-533 R.)

QUANTITY: 129 cases, 12 1-lb. 14-oz. jars each, at Cullman, Ala.

SHIPPED: 3-11-61, from Zebulon, Ga.

LIBELED: 6-29-61, N. Dist. Ala.

CHARGE: 402(a) (3)—contained decomposed peaches while held for sale.

DISPOSITION: 7-31-61. Default—destruction.

DRIED FRUIT

27429. Dried prunes. (F.D.C. No. 45492. S. No. 33-807 R.)

QUANTITY: 265 22-lb. cases at Jersey City, N.J.

SHIPPED: 6-21-60, from Brooklyn, N.Y.

LIBELED: On or about 3-7-61, Dist. N.J.

CHARGE: 402(a) (3)—contained insects and rodent hairs while held for sale.

DISPOSITION: 4-10-61. Default—destruction.

27430. Dates. (F.D.C. No. 46145. S. Nos. 97-290/1 R.)

QUANTITY: 14 cases, 24 pkgs. each, and 12 cases, 24 pkgs. each, at Buffalo, N.Y.

SHIPPED: Prior to 7-13-61, by National Biscuit Co., Special Products Div., Lyons, N.Y., where the article was repacked after having been imported into the United States in bulk lots from Iraq.

LABEL IN PART: (Pkg.) "Dromedary Fancy Imported Pitted Dates * * * One Pound [or "8 Ozs."] National Biscuit Company, Special Products Division, New York, N.Y."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 7-28-61, W. Dist. N.Y.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: 9-1-61. Default—delivered to a charitable institution.

VEGETABLES AND VEGETABLE PRODUCTS*

27431. Canned corn. (F.D.C. No. 45825. S. No. 86-058 R.)

QUANTITY: 79 cases, 24 1-lb. 1-oz. cans each, at Tulsa, Okla.

SHIPPED: 4-7-61, from Elgin, Iowa, by Elgin Canning Co.

LABEL IN PART: (Can) "Garden-Side Cream Style White Corn * * * Distributed by Regent Food Company * * * San Francisco, California."

LIBELED: 6-13-61, N. Dist. Okla.

CHARGE: 402(a) (3)—contained insects and insect parts when shipped.

DISPOSITION: 8-14-61. Default—destruction.

27432. Canned potatoes. (F.D.C. No. 46133. S. No. 85-094 R.)

QUANTITY: 111 cases, 48 cans each, at St. Louis, Mo.

SHIPPED: 6-15-61, from Colorado Springs, Colo., by F & L Food Products, Inc.

LABEL IN PART: (Can) "Supper Club Shoestring Potatoes Net Weight 1-¾ Oz. Avd * * * Packed by F & L Food Products, Inc., Colorado Springs, Colorado."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 7-21-61, E. Dist. Mo.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: 9-15-61. Default—delivered to charitable institutions.

27433. Canned potatoes. (F.D.C. No. 46129. S. No. 71-267 R.)

QUANTITY: 27 cases, 48 cans each, at St. Paul, Minn.

SHIPPED: 4-20-61, from Denver, Colo., by Tasty Foods, Inc.

LABEL IN PART: (Can) "Kobey's Tasty Foods Brand Ready to Serve Shoestring Potatoes Contents 2 Oz. Avoir * * * Manufactured by Tasty Foods, Inc. Denver, Colo."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 7-25-61, Dist. Minn.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: 9-12-61. Default—delivered to charitable institutions.

* See also No. 27405.

27434. Dill pickles. (F.D.C. No. 46130. S. No. 8-380 R.)

QUANTITY: 8 15-gal. kegs at Pittsburgh, Pa.

SHIPPED: 8-3-60, from Vineland, N.J., by Alliance Foods, Inc.

LIBELED: 7-20-61, W. Dist. Pa.

CHARGE: 402(a)(3)—contained insects, insect parts, and fly eggs; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 8-18-61. Default—destruction.

27435. Dill pickles. (F.D.C. No. 45855. S. No. 38-759 R.)

QUANTITY: 257 1-gal. cans at Dallas, Pa.

SHIPPED: 8-31-60, from Yonkers, N.Y., by Kane-Miller Corp.

LABEL IN PART: (Can) "Colony Brand Genuine Dill Pickles * * * Packed by Colony Foods, Vineland, N.J. King George, Va."

LIBELED: 7-5-61, M. Dist. Pa.

CHARGE: 402(a)(3)—contained *Drosophila* flies, fly pupae, maggots, fly eggs, and insect fragments when shipped.

DISPOSITION: 8-4-61. Default—destruction.

27436. Dill pickles. (F.D.C. No. 46131. S. No. 96-927 R.)

QUANTITY: 343 1-gal. cans at Polk, Pa.

SHIPPED: 8-30-60, from Yonkers, N.Y., by Kane-Miller Corp.

LABEL IN PART: (Can) "Colony Brand Genuine Dill Pickles * * * Packed by Colony Foods, Brooklyn, N.Y."

LIBELED: 7-20-61, W. Dist. Pa.

CHARGE: 402(a)(3)—contained flies, fly eggs, insect parts, and maggots; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 8-18-61. Default—destruction.

27437. Dill pickles. (F.D.C. No. 46152. S. No. 38-760 R.)

QUANTITY: 173 1-gal. cans at Clarks Summit, Pa.

SHIPPED: 9-2-60, from Yonkers, N.Y., by Kane-Miller Corp.

LABEL IN PART: (Can) "Colony Brand Genuine Dill Pickles * * * Packed by Colony Foods, Vineland, N.J. King George, Va."

LIBELED: 7-31-61, M. Dist. Pa.

CHARGE: 402(a)(3)—contained insects, insect fragments, maggots, fly eggs, rodent hairs, and feather fragments; 402(a)(4)—prepared and packed under insanitary conditions; and 403(a)—the label statement "Packed by Colony Foods" was false and misleading, since the article was packed by Alliance Foods, Inc.

DISPOSITION: 9-5-61. Default—destruction.

MEAT PRODUCTS**27438. Dried beef.** (F.D.C. No. 45957. S. No. 32-286 R.)

QUANTITY: 117 100-lb. cases at San Juan, P.R.

SHIPPED: 2-14-61, from Porto Alegre, Brazil.

LIBELED: 6-21-61, Dist. P.R.

CHARGE: 402(a)(3)—contained insects and rodent excreta pellets while held for sale.

DISPOSITION: 8-16-61. Default—destruction.

27439. Dried beef. (F.D.C. No. 46031. S. No. 32-287 R.)

QUANTITY: 68,500 lbs. at Carolina, P.R.

SHIPPED: On unknown dates, from Buenos Aires, Argentina.

LIBELED: 6-22-61, Dist. P.R.

CHARGE: 402(a)(3)—contained insects, insect-chewed pieces of meat, rodent excreta pellets, and moldy meat while held for sale.

DISPOSITION: 7-11-61. Consent—destruction.

27440. Frozen rabbits. (F.D.C. No. 45823. S. No. 48-318 R.)

QUANTITY: 12 cases of frozen rabbits, plus 9 rabbits, each individually wrapped in cellophane, at Detroit, Mich.

SHIPPED: 1-9-61, from Pittsburgh, Pa., by Live Fish Co.

LABEL IN PART: (Case) "25 Skinned Rabbits 40 lbs. Nett Smorgons 21 Melbourne Victoria Australia" and (cellophane wrapper) "Smorgons Imported Australian Rabbits Packed by Norman Smorgon & Sons Pty. Ltd., * * Melbourne, Australia."

LIBELED: 6-6-61, E. Dist. Mich.

CHARGE: 402(a)(3)—contained decomposed rabbits when shipped.

DISPOSITION: 7-21-61. Default—destruction.

NUTS

27441. Shelled pecans. (F.D.C. No. 46136. S. No. 85-229 R.)

QUANTITY: 30 cases, 12 4-oz. pkgs. each, at Oklahoma City, Okla.

SHIPPED: 5-15-61 and 6-5-61, from San Antonio, Tex.

LIBELED: 7-25-61, W. Dist. Okla.

CHARGE: 402(a)(3)—contained insects, insect larvae, fragments, excreta pellets, and eggs while held for sale.

DISPOSITION: 8-16-61. Default—delivered to a public institution for use as animal feed.

27442. Shelled Spanish peanuts (2 seizure actions). (F.D.C. Nos. 45925 and 45926. S. Nos. 87-881 R, 87-923 R.)

QUANTITY: 377 120-lb. bags at Saint Joseph, Mo.

SHIPPED: 12-5-60 and 12-9-60, from Fredericksburg, Tex.

RESULTS OF INVESTIGATION: Inspection showed that 77 bags of the article had been held under insanitary conditions at the Douglas Candy Co., Saint Joseph, Mo., and that 300 bags of the article had been held under insanitary conditions at the Artesian Ice & Cold Storage Co., Saint Joseph, Mo.

LIBELED: 6-6-61, W. Dist. Mo.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 6-9-61. Consent—claimed by Douglas Candy Co., and converted into seed peanuts and animal feed.

27443. Shelled Spanish peanuts. (F.D.C. No. 46128. S. No. 69-399 R.)

QUANTITY: 131 120-lb. bags at Milwaukee, Wis.

SHIPPED: 5-24-61, from Fitzgerald, Ga., by Dixie Peanut Co.

LIBELED: 7-19-61, E. Dist. Wis.

CHARGE: 402(a)(3)—contained insects, insect larvae, and rodent hairs; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 8-16-61. Default—destruction.

27444. Unshelled mixed nuts. (F.D.C. No. 45150. S. No. 40-177 R.)

QUANTITY: 100 cases, 24 1-lb. bags each, at Sikeston, Mo.

SHIPPED: 10-25-60, from Memphis, Tenn.

LIBELED: 11-18-60, E. Dist. Mo.

CHARGE: 402(a)(3)—contained insect-damaged, moldy, shriveled nuts, and empty shells while held for sale.

DISPOSITION: 11-23-60. Consent—claimed by Robert L. Berner Co., Chicago, Ill. Segregated; 2,101 lbs. released as fit for human consumption.

SPICES, FLAVORS, AND SEASONING MATERIALS

27445. Sesame seed. (F.D.C. No. 45960. S. No. 75-344 R.)

QUANTITY: 6 drums at Kannapolis, N.C.

SHIPPED: 3-29-61, from Richmond, Va.

LIBELED: 6-16-61, M. Dist. N.C.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 8-15-61. Default—destruction.

27446. Black pepper. (F.D.C. No. 45543. S. Nos. 34-593/4 R.)

QUANTITY: 101 bags of peppercorns, and 27 drums of ground pepper, at Brooklyn, N.Y., in possession of Purity Spice & Seed Mills.

SHIPPED: 8-3-59, from Singapore, Malaya, and on unknown dates from unknown places outside the State of New York.

LIBELED: 4-12-61, E. Dist. N.Y.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 5-11-61. Consent—claimed by East India Trading Co., Inc., New York, N.Y. Segregated; 1,857 lbs. denatured.

27447. Vanilla extract. (F.D.C. No. 45916. S. No. 56-627 R.)

QUANTITY: 25 cases, 4 1-gal. btls. each, at Paterson, N.J.

SHIPPED: 3-1-61, from New York, N.Y., by Drew Co. of America, Inc.

LABEL IN PART: (Btl.) "Drew Co. of America Vanilla Specialists * * * Pure Vanilla Extract in excess of U.S.P. standard * * * Manufactured by Drew Company of America, Inc., 106 Seventh Avenue, New York, 11, N.Y."

RESULTS OF INVESTIGATION: Examination showed that the product was an imitation vanilla extract containing added vanillin.

LIBELED: 6-2-61, Dist. N.J.

CHARGE: 402(b) (1)—when shipped, the valuable constituent, namely, vanilla extractives, had been in whole or in part omitted or abstracted from the article; 402(b) (2)—vanillin had been in whole or in part substituted for the article; 402(b) (4)—vanillin had been added to the article or mixed or packed therewith so as to make it appear better or of greater value than it was; 403(c)—the article was an imitation of another food, namely, vanilla extract, and its label failed to bear, in type of uniform size and prominence, the word “imitation” and, immediately thereafter, the name of the food imitated; and 403(i) (2)—the article was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient.

DISPOSITION: 6-27-61. Consent—claimed by Drew Co. of America, Inc., and relabeled.

27448. Meat seasonings (2 seizure actions). (F.D.C. No. 45778. S. Nos. 17-178/80 R.)

QUANTITY: 1 drum containing 60 lbs., 1 drum containing 59 lbs., and 1 drum containing 79 lbs., at Evansville, Ind.

SHIPPED: Between 7-5-60 and 2-8-61, from Chicago, Ill., by Custom Food Products, Inc.

LABEL IN PART: (Drum) “Deep South Pork Sausage Seasoning [or “Chuck Wagon Steak Seasoning” or “Veal Chopette Seasoning”] * * * Custom Food Products, Inc. * * * Chicago, Illinois Net 100 Lbs.”

LIBELED: On or about 5-22-61, S. Dist. Ind.

CHARGE: 403(k)—when shipped, the articles contained sodium benzoate, a chemical preservative, and the articles failed to bear labeling stating that fact.

DISPOSITION: 7-10-61 and 8-2-61. Default—destruction.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

27449. Saravite capsules. (F.D.C. No. 46056. S. No. 79-593 R.)

QUANTITY: 73 60-capsule btls. at Baltimore, Md.

SHIPPED: 2-3-60, from Philadelphia, Pa., by Hance Bros. & White Co.

LABEL IN PART: (Btl.) “Saravite Capsulets New Improved Formula * * * Arnell Laboratories, Inc. Baltimore 17, Md. Distr. * * * 0025010 Ingredients in Two Capsulets: * * * Folic Acid 1.48 mg. * * * Suggested Dosage: Two capsulets daily.”

LIBELED: On or about 6-28-61, Dist. Md.

CHARGE: 402(a) (2) (C)—when shipped, the article contained a food additive, namely, folic acid, which is unsafe within the meaning of 409 since it and its use or intended use were not in conformity with a regulation or exemption in effect pursuant to 409.

DISPOSITION: 7-26-61. Default—destruction.

27450. Protorulis tablets and Torula Yeast tablets. (F.D.C. No. 46057. S. Nos. 58-374 R, 58-640 R.)

QUANTITY: 1 drum, containing 23,800 Torula Yeast tablets, and 53 250-tablet pkgs. of Protorulis tablets, at Chicago, Ill.

SHIPPED: 3-3-61, from St. Louis, Mo., by Private Formulae, Inc.

LABEL IN PART: (Drum) "Rx #601 Control #6538 Torula Yeast Compressed Tablets Torula Yeast, Soya Grits 1 gram For use as a Dietary Supplement. Dosage: * * * Mfd. for Beacon Products Co. Chicago, Illinois 10 tablets 150 grs. * * * Manufactured by Private Formulae, Inc., 4567 Swan Ave., St. Louis 10., Mo." and (pkg.) "Beacon * * * Protorulis Tablets Body Building Proteins Proteins — All Aminos, B Complex Vitamins — Minerals Enzymes — Vitamin C and other factors Natures Product Perfectly Balanced Beacon Products Chicago 10, Ill."

RESULTS OF INVESTIGATION: The article in the packages had been repacked by the dealer from the bulk stock shipped as described above.

LIBELED: 6-29-61, N. Dist. Ill.

CHARGE: 403(j)—when shipped, the article in the drum purported to be and was represented for special dietary use by man, and its label failed to bear, as required by regulations, a statement of the dietary properties upon which such use was based in whole or in part; and 403(a)—while held for sale, the labeling of the articles in the drum and in the packages contained false and misleading representations that the article would supply significant amounts of protein, cobalt, chloride, nickel, lead, aluminum, manganese, zinc, sodium, silicon, and other factors for special dietary supplementation, and that the articles would promote body building.

DISPOSITION: 7-28-61. Default—destruction.

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